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BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 14301–14350

[Approved by the Secretary of Agriculture, Washington, D. C., October 2, 1926]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

14301. Adulteration of walnut meats. U. S. v. 35 Boxes of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21070. I. S. No. 705–x. S. No. W–1976.)

On May 11, 1926, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35 boxes, each containing 50 pounds of walnut meats, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Leon Mayer, from Los Angeles, Calif., April 29, 1925, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Leon Mayer * * * Los Angeles, Calif. * * * Calif. Standard Ambers."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On June 2, 1926, Leon Mayer, Los Angeles, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $470, in conformity with section 10 of the act.

W. M. Jardine, *Secretary of Agriculture.*

14302. Adulteration and misbranding of strychnine nitrate tablets, morphine sulphate tablets, citrated caffeine tablets, fluidextract cinchona, and tincture of cinchona. U. S. v. Hance Bros. & White, Inc. Plea of guilty. Fine, $250. (F. & D. No. 19703. I. S. Nos. 12792–v, 12796–v, 13660–v, 13664–v, 16902–v, 16903–v.)

On January 25, 1926, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hance Bros. & White, Inc., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about July 3, 1924, from the State of Pennsylvania, into the State of Massachusetts, of quantities of strychnine nitrate tablets and morphine sulphate tablets, respectively, on or about July 14 and 15, 1924, respectively, from the State of Pennsylvania into the State of Maryland, of quantities of citrated caffeine tablets and morphine sulphate tablets, and on or about Jan-

uary 14, 1925, from the State of Pennsylvania into the State of New York, of quantities of fluidextract cinchona and tincture cinchona, respectively, all of which were adulterated and misbranded. The articles were labeled in part: "Hance Bros. & White" (or "Hance Brothers & White Inc.") "Pharmaceutical Chemists," and were further labeled as hereinafter set forth.

Adulteration of the strychnine nitrate tablets, morphine sulphate tablets, and citrated caffeine tablets was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented that the said tablets contained 1/100 grain or 0.0006 gram of strychnine nitrate, 1/6 grain or 0.011 gram of morphine sulphate, or 1 grain or 0.065 gram of caffeine citrated, as the case might be, whereas each of said tablets contained less than represented on the label, the strychnine nitrate tablets containing not more than 0.00724 grain or not more than 0.00047 gram of strychnine nitrate, the citrated caffeine tablets containing not more than 0.828 grain or 0.053 gram of caffeine citrated, and the two lots of morphine sulphate tablets containing not more than 0.144 grain, or not more than 0.0093 gram of morphine sulphate, and not more than 0.146 grain or not more than 0.0095 gram of morphine sulphate, respectively.

Adulteration of the fluidextract cinchona and the tincture cinchona was alleged for the reason that they were sold under and by names recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopœia, official at the time of investigation, in that the fluidextract cinchona yielded not less than 5.57 grams of the alkaloids of cinchona per 100 mils, whereas said pharmacopœia provided that fluidextract cinchona should yield not more than 5 grams of the alkaloids of cinchona per 100 mils; and the tincture cinchona yielded not more than 0.128 gram of the alkaloids of cinchona per 100 mils, whereas said pharmacopœia provided that it should yield not less than 0.4 gram of the alkaloids of cinchona per 100 mils, and the standard of strength, quality, and purity of the articles was not declared on the containers thereof.

Misbranding of the said tablets was alleged for the reason that the statements, to wit, "Tablets Strychnine Nitrate 1/100 Grain (0.0006 Gm.)," "Morphine Sulph. 1/6 Grain (0.011 Gm.)," "Tablet Triturates Caffeine Citrated One Grain (0.065 Gm.)," and "Tablet Triturates Morphine Sulph. 1/6 Grain (0.011 Gm.)," borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas they contained less than so declared.

Misbranding of the said fluidextract cinchona and the tincture cinchona was alleged for the reason that the statements, to wit. "Fluid Extract Cinchona U. S. P. Standard 4 gms. to 5 gms. Alkaloids of Cinchona per 100 mils," and "Tinct. Cinchona Comp. U. S. P. 9th Revision," borne on the labels, were false and misleading, in that the said statements represented that the former was fluidextract cinchona which conformed to the standard laid down in the United States Pharmacopœia, and that the latter was tincture cinchona compound which conformed to the standard prescribed in the United States Pharmacopœia, 9th Revision, whereas the articles did not conform to the standard of the said pharmacopœia.

On June 21, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $250.

W. M. JARDINE, *Secretary of Agriculture.*

14303. Adulteration and misbranding of tomato puree. U. S. v. 980 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20847. I. S. No. 5611-x. S. No. E-5209.)

On or about February 13, 1926, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 980 cases of tomato puree, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped from Atlanta, Ind., on or about November 24, 1925, and transported from the State of Indiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Puree Packed by Atlanta Canning Co. Atlanta, Indiana."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed or putrid vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 30, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14304. Adulteration of canned sardines. U. S. v. 126 Cases, et al., of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20185, 20186, 20188 to 20194, incl., 20426. I. S. Nos. 9726–v, 9728–v. S. No. C–4760.)

On July 8, 1925, the United States attorney for the District of North Dakota acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 578 cases of sardines, remaining in the original unbroken packages in various lots at Fargo, Minot, Grand Forks, Williston, Mandan, Valley City, and Jamestown, N. Dak., respectively, alleging that the article had been shipped by the B. O. Bowers Co., from New York, N. Y., on or about April 10, 1925, and transported from the State of New York into the State of North Dakota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Banquet Brand American Sardines * * * Packed At Eastport, Washington Co. Me. By L. D. Clark & Son."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On May 20, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14305. Adulteration and misbranding of ether. U. S. v. 100 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21041. I. S. No. 4026–x. S. No. C–5083.)

On April 27, 1926, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 cans of ether, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., on or about February 24, 1926, and transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mallinckrodt Quarter-Pound Ether for Anesthesia * * * a superior article in every respect not surpassed in chemical purity."

It was alleged in substance in the libel that the article was adulterated, in that it contained peroxide and aldehyde, which are not permitted by the specifications of the United States Pharmacopœia, and was adulterated in that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard prescribed therein and its standard was not stated on the label, and for the further reason that it fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the statements on the label "Ether for Anesthesia a superior article in every respect not surpassed in chemical purity," were false and misleading.

On June 11, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14306. Adulteration of canned cherries. U. S. v. 16 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20792. I. S. No. 9384–x. S. No. C–5039.)

On January 26, 1926, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and

condemnation of 16 cases of cherries, remaining unsold at Fort Dodge, Iowa., alleging that the article had been shipped by the Newfane Preserving Co., from Newfane, N. Y., August 26, 1925, and transported from the State of New York into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Anco Brand Sour Pitted Cherries."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, in that it contained excessive decomposed and wormy cherries.

On June 11, 1926, no claimant having appeared for the article, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14307. Misbranding and alleged adulteration of cottonseed meal. U. S. v. 280 Sacks of Cottonseed Meal. Product ordered released under bond to be relabeled. (F. & D. No. 21014. I. S. No. 451-x. S. No. W-1948.)

On April 13, 1926, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 280 sacks of cottonseed meal, remaining in the original packages at Tucumcari, N. Mex., alleging that the article had been shipped by the El Paso Refining Co., El Paso, Tex., March 12, 1926, and transported from the State of Texas into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cottonseed Meal * * * Manufactured by The El Paso Refining Company, El Paso, Texas. Guaranteed Analysis Crude Protein not less than 43 Per Cent."

It was alleged in the libel that the article was adulterated, in that a product containing less than 43 per cent of protein had been substituted for 43 per cent protein cottonseed meal, which the said article purported to be.

It was further alleged that the article was misbranded, in that the statements on the sacks regarding the chemical contents of the article of food contained therein were false and misleading and intended and calculated to deceive and did deceive the purchaser.

On June 1, 1926, the El Paso Refining Co., El Paso, Tex., having appeared as claimant for the property, and the court having found that allegations set forth in the libel were true, that the product contained less than 43 per cent of protein, but that no adulteration of the said product was found, an order of the court was entered, providing for the release of the said cottonseed meal to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it be relabeled to show that it contained 41 per cent of protein.

W. M. JARDINE, *Secretary of Agriculture.*

14308. Misbranding of Dr. Lemke's blood drops and Dr. Lemke's laxative herb tea. U. S. v. 3 Dozen Packages of Dr. Lemke's Blood Drops and 4 5/12 Dozen Packages of Dr. Lemke's Laxative Herb Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 20929, 20930. I. S. Nos. 9341-x, 9342-x. S. No. C-4998.)

On March 18, 1926, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 dozen packages of Dr. Lemke's blood drops and 4 5/12 dozen packages of Dr. Lemke's laxative herb tea, remaining in the original unbroken packages at Fort Wayne, Ind., alleging that the articles had been shipped from the Dr. H. C. Lemke Medicine Co., Chicago, Ill., December 4, 1925, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act. The articles were labeled in part: (Dr. Lemke's blood drops, bottle) "Blood Drops * * * have a wonderful power for all diseases of the Blood, Stomach and Bowels, such as * * *Bile in the Stomach, Pain and Dizziness in the Head, Dyspepsia, Liver and Kidney Diseases, Dropsy, Sour Stomach, Colic and Cramps, and a thorough Blood Purifier, also for all Female Diseases, Obstruction of Monthly Courses, etc.," (carton) "Blood Drops * * * A Valuable Stomach Essence * * * regulates the Stomach and Bowels, produces a regular evacuation in a few days * * * expel from the system all bilious disorders of the Liver, Stomach and Bowels, such as Hot, Feverish Skin, Palpitation of the Heart,

Dizziness, etc. 1 teaspoonful will relieve Headache in a short time; Dyspepsia, Sour and Weak Stomach can be relieved in 10 days; diseased Kidneys, trouble of the Bladder, retention of Urine can be relieved in 15 to 20 days. It is especially an unfa ling remedy for female diseases, as Obstruction of the Monthly Courses, Painful Menstruation, Chlorosis or Green Sickness. These drops should not be taken during pregnancy" (similar statements in German), (circular) "best and most useful * * * for * * * the diseases for which * * * recommended * * * thoroughly tested * * * a great many severe cases, have relieved a great many aches and pains * * * Have proved a boon to many men and women afflicted with blood impurities, inactive liver, kidneys, stomach * * * or bilious disorders, such as * * * dyspepsia, headache, dizziness, colic, cramps in the stomach or bowels. Taken regularly about the time menstruation is to beg n, they benefit by lessening the distress of painful or delayed periods. They should not be taken during "pregnancy" (similar statements in German), (Dr. Lemke's laxative herb tea, carton) "will cure and dispel all attacks of Colds, Coughs, Fevers, Catarrh in Head or Stomach. * * * a valuable remedy to cure Dyspepsia, Sour and Sick Stomach, Biliousness, Liver and Kidney Trouble, Headache and Dizziness. * * * will cure Costiveness and regulate the Stomach and Bowels in a short time; it will produce a good appetite and digestion. * * * is an important blood purifier. It will relieve and certainly cure all diseases which originate from impure blood, such as Scrofula, Jaundice, Yellow Blotches and Pimples on the Face, Itching and Breakouts on the Skin. When * * * used for a few weeks it will produce a fresh, healthy complexion. * * * highly recommended for all Female Diseases" (similar statements in German), (circular) "best and most useful * * * for * * * disease for which they are recommended * * * thoroughly tested in * * * a great many severe cases, have relieved a great many aches and pains * * * used to aid the action of the liver and kidneys * * * conditions in which this tea may be used with good success are indigestion, gases in the stomach, jaundice, sour stomach, coated tongue, foul breath, belching up of gas, headache, dizziness, boils, pimples, dry sallow skin, certain eruptions of the skin on face or body, etc., which may be caused from an inactive liver, kidneys, acute infectious diseases, general debility, etc. Good health depends on keeping clean, not only the external body but that which is also important—the internal organs. Constipation is probably one of the most common of complaints that affect the human race, and few people realize the danger and harmful results it produces on the system. If the bowels are constipated, disease cannot be successfully relieved until the bowels are in a regular healthy condition. If the bowels do not carry off the waste matter which nature intends should be thrown off, the stomach fails to work properly, undigested food may remain in the stomach and bowels, the food sours, ferments, starts to decay, poisonous gases may form, which are taken up by the blood. The blood thus poisoned, may cause complications, such as pimples, boils, blotches, rashes, etc. The liver and kidneys may become affected and bring on further complications" (similar statements in German).

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that the product labeled "Blood Drops" consisted of extracts of plant drugs, including aloe, sugar, alcohol and water, and that the product labeled "Herb Tea" consisted of a mixture of powdered senna with small portions of althea, fennel, buckthorn, elder, coriander, sassafras, flaxseed, lavender, American saffron, licorice, uva ursi, mullen, yarrow, boneset and peppermint.

Misbranding of the articles was alleged in the libel for the reason that they contained no ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed in the labels above set forth.

On June 7, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

14309. Adulteration and misbranding of cottonseed meal. U. S. v. 125 Sacks of Cottonseed Meal. Decree entered, ordering product released under bond to be relabeled. (F. & D. No. 20966. I. S. No. 449-x. S. No. W-1938.)

On March 25, 1926, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the Dis-

trict Court of the United States for said district a libel praying seizure and condemnation of 125 sacks of cottonseed meal, remaining unsold in the original packages at Santa Fe, N. Mex., alleging that the article had been shipped by the Continental Cotton Oil Co., Colorado, Tex., October 15, 1925, and transported from the State of Texas into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 Pounds (Net) 43% Protein Cottonseed Meal."

It was alleged in the libel that the contents of the said sacks were adulterated, in that a product containing less than 43 per cent of protein had been substituted for 43 per cent protein cottonseed meal, which the article purported to be.

Misbranding was alleged for the reason that the statements on the labels of the said sacks regarding the chemical contents of the article of food contained therein were false and misleading and were intended to deceive and did deceive the purchaser, in that the product contained less than 43 per cent of protein.

On May 17, 1926, the Charles Ilfeld Co., Santa Fe, N. Mex., having appeared as claimant for the property, a decree was entered, finding that the allegations set forth in the libel were true, that the product contained less than 43 per cent of protein and that the prayer for condemnation should be granted, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it not be sold or otherwise disposed of until relabeled to show that it contained 40 per cent of protein.

W. M. JARDINE, *Secretary of Agriculture.*

14310. Adulteration and misbranding of cottonseed meal and cottonseed cake. U. S. v. 125 Sacks of Cottonseed Cake, et al. Decrees entered ordering products released under bond to be relabeled. (F. & D. Nos. 20951, 21015, 21016, 21017. I. S. Nos. 424-x, 446-x, 452-x, 454-x. S. Nos. W-1922, W-1949, W-1951, W-1952.)

On March 20, 1926, and April 13, 1926, respectively, the United States attorney for the District of New Mexico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 588 sacks of cottonseed meal and cake, remaining unsold in the original packages in various lots at Raton, N. Mex., and Tucumcari, N. Mex., alleging that the article had been shipped by the Quanah Cotton Oil Co., Quanah, Tex., in various consignments, on December 29, 1925, and March 6, 8, and 18, 1926, respectively, and transported from the State of Texas into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 Pounds (Net) 43% Protein Cottonseed Cake" (or "Meal") "Prime Quality Manufactured by Quanah Cotton Oil Company Quanah, Texas."

It was alleged in substance in the libels that the contents of the said sacks were adulterated, in that a product containing less than 43 per cent of protein had been substituted for 43 per cent protein cottonseed meal or cake, which the article purported to be.

Misbrand ng was alleged in substance for the reason that the statements on the labels of the sacks regarding the chemical contents of the article were false and misleading and were intended to deceive and did deceive the purchaser, in that the product contained less than 43 per cent of protein.

On May 17 and June 7, 1926, respectively, the Adamson Feed Co., Raton, N. Mex., the Light Grain & Milling Co., Tucumcari, N. Mex., and the Raton Milling & Elevator Co., Raton, N. Mex., having appeared as claimants for respective portions of the property, decrees were entered, finding that the matters and things set forth in the libel were true, that the products contained less than 43 per cent of protein, and that the prayer for condemnation of the said products should be granted, and it was ordered by the court that the products be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $3,500, conditioned in part that they not be sold or otherwise disposed of until the 4 lots were relabeled to show the true contents, namely, 37 per cent protein, 39.3 per cent protein, 39 per cent protein, and 41 per cent protein, respectively.

W. M. JARDINE, *Secretary of Agriculture.*

14311. Misbranding of cottonseed meal. U. S. v. Texas Refining Co. Plea of guilty. Fine, $150. (F. & D. No. 19685. I. S. No. 7400–v.)

On October 28, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Texas Refining Co., a corporation, Greenville, Tex., alleging shipment by said company, in violation of the food and drugs act, on or about January 2, 1925, from the State of Texas into the State of Wisconsin, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "43 Per Cent Protein Cottonseed Meal Prime Quality Manufactured by Texas Refining Company, Greenville, Texas, Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained 39.8 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "43 Per Cent Protein Cottonseed Meal" and "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent," borne on the tags attached to the sacks containing the said article, were false and misleading, in that the said statements represented that the article was 43 per cent protein cottonseed meal and that it contained not less than 43 per cent of crude protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was 43 per cent protein cottonseed meal and contained not less than 43 per cent of crude protein, whereas it was not 43 per cent protein cottonseed meal, in that it contained less than 43 per cent of crude protein.

On May 27, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150.

W. M. JARDINE, *Secretary of Agriculture.*

14312. Adulteration and misbranding of egg substitute. U. S. v. 418 Pounds of Alleged Egg Substitute. Consent decree of forfeiture. (F. & D. No. 14869. I. S. Nos. 1122–t, 1123–t. S. No. C–2904.)

On May 18, 1921, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 418 pounds of alleged egg substitute, at Omaha, Nebr., alleging that the article had been shipped by the International Co. from Baltimore, Md., in two consignments, on or about July 6 and December 28, 1920, respectively, and transported from the State of Maryland into the State of Nebraska, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled: "Egg Substitute."

It was alleged in the libel that the article was adulterated within the meaning of section 7 of the act, paragraphs 1 and 2 under food, in that it was a mixture of skimmed milk, corn starch, and sugar, colored with coal-tar dye. Adulteration was further alleged in that the article was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the label bore the statement, "Egg Substitute," which was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On December 3, 1925, the International Co., Baltimore, Md., having withdrawn its claim and all pleadings without admitting the charges of misbranding or adulteration, but expressly denying the same, and having stated that the manufacture of the product covered by the libel had been discontinued and that the question of fact involved in this case would not be conclusive in any future proceeding, judgment was entered, forfeiting the product to the Government and ordering that costs be paid by the claimant.

W. M. JARDINE, *Secretary of Agriculture.*

14313. Misbranding of San-Tox kidney and bladder pills. U. S. v. 40 Dozen Large Bottles and 35 Dozen Small Bottles of San-Tox Kidney and Bladder Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20732. S. No. E–5554.)

On January 4, 1926, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 dozen large bottles and 35 dozen small bottles of San-Tox kidney and bladder pills, remaining in the original and unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the DePree Co.,

from Holland, Mich., in various consignments, on October 7 and 30 and November 28, 1925, respectively, and transported from the State of Michigan into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle label) "Kidney and Bladder Pills," (carton) "Kidney & Bladder Pills Recommended for derangements of the kidneys and bladder," (circular) "Kidney and Bladder Pills * * * anything irregular about the action of his kidneys or bladder * * * Too often, the well known symptoms which indicate trouble in the kidneys and bladder are neglected at the start, when a simple form of treatment would doubtless avert the more serious troubles which so frequently follow this neglect. For such cases we recommend San-Tox Kidney and Bladder Pills, a simple but extremely effective treatment * * * These pills, through removing the cause of congestion, will prove of such great benefit in stimulating action, allaying inflammation, and relieving catarrhal conditions in kidneys and bladder, that one will notice relief almost as soon as the treatment starts * * * Frequently some kidney or bladder disorder, which is not in itself of a dangerous nature, but which causes constant backache or pains, will quickly respond to the healing, soothing, antiseptic action * * * kidney remedy."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that the pills contained potassium nitrate and material derived from plants including juniper oil, Venice turpentine, cascara sagrada, uva ursi, and pichi.

It was alleged in the libel that the article was misbranded in violation of section 8 of the act, paragraph 3 as amended under drugs.

On June 8, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14314. Adulteration of buckwheat flour. U. S. v. 338 Sacks of Buckwheat Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21058. I. S. No. 12229-x. S. No. C-5094.)

On May 8, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 338 sacks of buckwheat flour, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the King Milling Co., from Lowell, Mich., March 11, 1926, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled: "100# Net King Milling Co. Lowell, Mich."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid substance. Adulteration was alleged for the further reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce and injuriously affect its quality and strength and had been substituted in part for the said article.

On May 28, 1926, the King Milling Co., Lowell, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it be relabeled under the supervision of this department and sold as hog or cattle feed.

W. M. JARDINE, *Secretary of Agriculture.*

14315. Adulteration of butter. U. S. v. 36 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21141. I. S. No. 12334-x. S. No. C-5173.)

On June 10, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Cuba City Creamery Co., from Cuba City, Wis., June 4, 1926, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as

to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

On June 12, 1926, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned in part that it be reprocessed under the supervision of this department so as to contain not less than 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

14316. Adulteration of butter. U. S. v. 37 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21142. I. S. No. 12339–x. S. No. C–5175.)

On June 11, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 37 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Beresford Ice and Creamery Co., from Beresford, S. Dak., June 8, 1926, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, to wit, butterfat, had been in part abstracted.

On June 12, 1926, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned in part that it be reprocessed under the supervision of this department so as to contain not less than 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

14317. Adulteration of canned salmon. U. S. v. 957 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21019. I. S. Nos. 1094–x, 1095–x, 1096–x. S. No. W–1955.)

On April 14, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,762 cases of canned salmon, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Alaska Packers Assoc., from Wrangell, Alaska, on or about September 17, 1925, and transported from the Territory of Alaska into the State of California, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled: (Case) "Export Brand Pink Salmon." The remainder of the article was labeled in part: (Can) "Export Brand Alaska Pink Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On June 17, 1926, the Alaska Packers Assoc. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $6,500, conditioned in part that it be made to conform with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14318. Adulteration and alleged misbranding of ether. U. S. v. 20 Cases of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21088. I. S. No. 10555–x. S. No. W–1979.)

On May 19, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 cases, each containing 50 ½-pound cans of ether, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped from Chicago, Ill., April 2, 1926, and transported from the State of Illinois into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "One-Half Pound Ether Alcohol about 1% For Anesthesia Poison. Supplied By The Upjohn Company * * * Kalamazoo, Mich."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained peroxide.

Adulteration of the article was alleged in the libel for the reason that it contained peroxide and for the further reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard prescribed by the said pharmacopœia, and in that it fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the statements borne on the label "Ether * * * For Anesthesia" were false and misleading.

On June 17, 1926, the Upjohn Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $350, conditioned in part that it be made to conform with the law under the supervision of this department.

W. M. Jardine, *Secretary of Agriculture.*

14319. Misbranding of candy. U. S. v. Mueller-Keller Candy Co. Plea of guilty. Fine, $25. (F. & D. No. 19307. I. S. Nos. 12204–v, 20018–v, 20626–v.)

On February 16, 1926, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mueller-Keller Candy Co., a corporation, St. Joseph, Mo., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about February 6, 1924, from the State of Missouri into the State of New Mexico, and on or about April 30, 1924, from the State of Missouri into the State of Colorado, of quantities of candy which was misbranded. The article was labeled, variously: "Mueller Keller's Nutty Taffy Net Weight 1¾ Oz. Mueller-Keller Candy Co. St. Joseph Mo."; "Mueller-Keller's Apricot Tarts Net Weight 2 Ozs."; "Mueller-Keller's Big Ben Net Weight—2¼ Oz. Mueller Keller Candy Co. St. Louis, Mo."

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Weight 1¾ Oz.," "Net Weight 2 Ozs.," and "Net Weight—2¼ Oz.," as the case might be, borne on the labels, were false and misleading, in that the said statements represented that the packages each contained the amount of the said article declared thereon, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained the amount of the article declared on the label, whereas each of said packages did not contain the amount of the product so represented but did contain a less amount.

On March 2, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

W. M. Jardine, *Secretary of Agriculture.*

14320. Adulteration of butter. U. S. v. 20 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21132. I. S. Nos. 895–x, 10832–x. S. No. W–1977.)

On May 11, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying

seizure and condemnation of 20 cubes of butter, remaining in the original unbroken packages in said district, alleging that the article had been shipped by E. W. Ellis, in interstate commerce from Portland, Oreg., to San Francisco, Calif., on or about May 6, 1926, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mutual Cry. Co. San Francisco, Calif. 886 E. W. Ellis 277 Portland Ore."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for the said article.

On May 25, 1926, the Mutual Creamery Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $600, conditioned that it be brought into conformity with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14321. Adulteration and misbranding of morphine sulphate tablets, codeine sulphate tablets, strychnine sulphate tablets, and tincture nux vomica. U. S. v. Tailby-Nason Co. Plea of nolo contendere. Fine, $125 on misbranding counts. Adulteration counts placed on file. (F. & D. No. 19639. I. S. Nos. 2066–v, 2819–v, 2821–v, 2825–v, 13951–v.)

On June 9, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tailby-Nason Co., a corporation, trading at Boston, Mass., alleging shipment by said company, in violation of the food and drugs act, from the State of Massachusetts, on or about September 29, 1923, into the State of Pennsylvania, of a quantity of codeine sulphate tablets and strychnine sulphate tablets; on or about September 29, 1923, into the State of New Jersey, of a quantity of morphine sulphate tablets; on or about October 29, 1923, into the State of New York, of a quantity of morphine sulphate tablets; and on or about September 3, 1924, into the State of Connecticut, of a quantity of tincture nux vomica, all of which were adulterated and misbranded. The articles were labeled, variously: "Tablets Morphine Sulphate Each tablet contains Morphine Sulphate 1–4 gr. Opium Derivative. Tailby-Nason Company Boston"; "Tablets Codeine Sulphate 1–4 Gr."; "Tablets Strychnine Sulphate 1–50 Gr."; "Tincture Nox Vomica U. S. P."

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that the two lots of morphine sulphate tablets contained 0.221 grain and 0.222 grain of morphine sulphate, respectively, per tablet; the codeine sulphate tablets contained 0.22 grain of codeine sulphate each; the strychnine sulphate tablets contained 0.023 grain of strychnine sulphate each; and the tincture nux vomica yielded 0.179 gram of the alkaloids of nux vomica per 100 mils.

Adulteration of the morphine sulphate tablets, codeine sulphate tablets, and strychnine sulphate tablets was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented that the said tablets each contained ¼ grain of morphine sulphate, ¼ grain of codeine sulphate or 1/50 grain of strychnine sulphate, as the case might be, whereas each of said morphine sulphate tablets and codeine sulphate tablets contained less of the product than represented on the label thereof, and each of said strychnine sulphate tablets contained a greater amount of strychnine sulphate than represented.

Adulteration of the tincture nux vomica was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia, official at the time of investigation, in that it yielded less than 0.237 gram of the alkaloids of nux vomica per 100 mils, namely, not more than 0.179 gram of the alkaloids of nux vomica per 100 mils, whereas said pharmacopœia provided that tincture nux vomica should yield not less than 0.237 gram of the alkaloids of nux vomica per 100 mils, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the morphine sulphate tablets, codeine sulphate tablets, and strychnine sulphate tablets was alleged for the reason that the statements, to wit, "Tablets Morphine Sulphate Each tablet contains Morphine Sulphate 1–4 gr.," "Tablets Codeine Sulphate 1–4 Gr.," "Tablets Strychnine Sulphate 1–50 Gr.," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas the said morphine sulphate tablets and codeine sulphate tablets contained less than declared and the strychnine sulphate tablets more than declared.

Misbranding of the tincture nux vomica was alleged for the reason that the statement, to wit, "Tincture Nux Vomica U. S. P.," borne on the label, was false and misleading, in that the said statement represented that the article was tincture nux vomica which conformed to the standard laid down in the United States Pharmacopœia, whereas it was not tincture nux vomica which conformed to the standard of the United States Pharmacopœia.

On May 24, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $125 on the misbranding counts and ordered the adulteration counts placed on file.

W. M. JARDINE, *Secretary of Agriculture.*

14322. Misbranding of Mecca compound. U. S. v. 107–5/6 Dozen Packages, et al., of Mecca Compound. Default decrees of destruction entered. (F. & D. Nos. 20861, 20862, 20890. I. S. Nos. 1104–x to 1113–x, incl. S. Nos. W–1664, W–1665, W–1906.)

On or about February 24 and 25, 1926, respectively, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels and thereafter amended libels praying seizure and condemnation of 145 1/6 dozen packages of Mecca compound, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Foster-Dack Co., from Chicago, Ill., in various consignments, between the dates of June 18, 1924, and January 29, 1926, and transported from the State of Illinois into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of a mixture of fat, petrolatum, zinc oxide (1.2 per cent), and a trace of phenol.

Misbranding of the article was alleged in the libels for the reason that the following statements regarding its curative and therapeutic effects, borne on the box and carton labels and contained in the accompanying circulars, were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Box label) "Healing * * * for all kinds of Sores and inflammation giving quick relief and aiding nature to make speedy cures * * * for * * * Barbers' Itch, Eczema, Erysipelas, Hives, Salt Rheum, * * * Blood Poison, Boils, Diphtheritic Sore Throat, Pneumonia, and all kinds of inflammation," (carton) "Healing," (circular) "Directions for Using Mecca Compound. * * * For Burned and Scalded surfaces, apply the Mecca * * * the immediate result will be cessation of pain and inflammation and no further blistering. Minor burns heal quickly and serious burns heal in a few weeks, free from scars and blemishes. No scars from burns ever appear where Mecca is properly used. For Frosted or Frozen parts apply the same as to a burned surface, applying, when possible, before the frost is withdrawn, for if so applied restoration will follow immediately. * * * For all kinds of hurts. Its use prevents soreness and inflammation and hastens a cure. In serious cases such as * * * Felons, Boils and Carbuncles apply by poulticing * * * Nothing equals Mecca for relieving Pain and for removing soreness. Any sore, recent or of long standing, may be cured by its use, practically applied. For Erysipelas, Gangrene, Scarlet Fever, Chicken Pox, Small Pox and All Eruptive D seases. For Erysipelas and Gangrene, poultice freely all the parts affected and if the case be severe let the poultice be applied fully half inch thick, but if mild, less will do. For Scarlet Fever, apply to all the eruptive parts by rubbing, and poultice the throat freely until relieved from soreness. For Chicken Pox, apply the Compound freely to all the irritated parts, with moderate rubbing. In Small Pox apply, both by rubbing and poulticing. Rub the patient with the Compound where there are aches and pains, and poultice freely where there is much soreness. It prevents all Itching, and Pitting, reduces the fever,

strengthens the patient, and hastens recovery. For Sore Throat, Lung Trouble, Inflammation of the Bowels, Appendicitis, and Rheumatism. For Sore Throat apply * * * thickly over the front of the throat * * * For Lung trouble, Pneumonia, soreness of the chest and lungs, apply * * * by poultice * * * if the case be severe * * * if mild apply once or twice a day by rubbing * * * For Inflammation of the bowels, and Appendicitis, spread a thick poultice * * * apply over the seat of pain. It is best to keep the poultice on for some time after relief is obtained. For Rheumatism and sundry pains, apply by rubbing, if severe, by poulticing. Its continued use, even in most stubborn cases, will result in a cure * * * If every home * * * would keep * * * Mecca Compound ready for immediate application in * * * Severe Burns and Scalds, bad Bruises, Blood Poison, Fevers and all kinds of inflammation, many lives would be saved and a vast amount of suffering avoided. Applied * * * to a burned or scalded surface, pain ceases, blistering is prevented and inflammation is held in check while nature soon restores. We firmly believe, if a burned or scalded patient lives two days under common treatment and then expires, that had Mecca Compound been immediately applied, in nearly every case, life would have been saved. We advise the head of every family to at once provide for its safety * * * has saved lives and much suffering * * * A wise man will provide in time. Insure Protection for your Family by providing means of escape should a severe accident occur, such as is of daily occurrence. The clippings below * * * illustrate constant danger and the need of immediate efficient aid. We firmly believe had Mecca Compound been immediately applied in sufficient quantity all of those, here mentioned, would have been saved. Note well the case of Mr. Mead of Council Bluffs, Iowa, how prompt application saved his life. Duty neglected brings remorse but cannot restore life. A Mr. Mead of Council Bluffs, Iowa, was terribly burned by an explosion of gasoline. In less than ten minutes one third of his body had blistered while his whole body, except the head and feet, seemed ready to break forth * * * had a good supply of Mecca Compound * * * covering him half an inch thick. * * * in five weeks he was back to his shop, without a scar or blemish. In this case 30 minutes' delay meant death in a few hours. * * * Clippings from The Chicago Daily Tribune * * * died * * * of scalds * * * died * * * of burns."

On May 19, 1926, no claimant having appeared for the property, decrees of the court were entered, adjudging the product misbranded and ordering that it be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14323. Adulteration and misbranding of maple sirup. U. S. v. 19 Cans of Maple Sirup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21018. I. S. No. 12210–x. S. No. C–5067.)

On or about April 17, 1926, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 cans of maple sirup, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Atlas Fruit Flavoring Co., from Chicago, Ill., on March 24, 1926, and transported in interstate commerce, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Maple Flavor Syrup Purity & Strength Guaranteed By Atlas Fruit Flavoring Co., Chicago, Ill."

Adulteration of the article was alleged in the libel for the reason that a substance, glucose, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was labeled "Maple Flavor Syrup," which deceived and misled the purchaser, for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 5, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14324. Misbranding and alleged adulteration of coffee. U. S. v. 10 Drums of Coffee. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20893. I. S. No. 9829–x. S. No. C–4983.)

On February 22, 1926, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 drums of coffee, remaining in the original unbroken packages at San Augustine, Tex., alleging that the article had been shipped on February 11, 1926, by the Cuban Coffee Mills, Shreveport, La., and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Packed by Cuban Coffee Mills, Shreveport, La. 60 Lbs. Net S. P. B. Blend."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of chicory, which had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and in that chicory had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "S. P. B. Blend" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 6, 1926, the Cuban Coffee Mills, Shreveport, La., having appeared as claimant for the property, a decree of the court was entered, adjudging the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned that it not be sold or otherwise disposed of contrary to law.

W. M. Jardine, *Secretary of Agriculture.*

14325. Misbranding of meat and bone scraps. U. S. v. 500 Sacks and 500 Sacks of Meat and Bone Scraps. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20987, 20988. I. S. No. 10805–x. S. No. W–1944.)

On March 31, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1,000 sacks of meat and bone scraps, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Mutual Rendering Co., from Philadelphia, Pa., February 6, 1926, and transported from the State of Pennsylvania into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in the libels for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 15, 1926, the Globe Grain & Milling Co. and the Anderson-Smith & Hamilton Co., both of San Francisco, Calif., having appeared as claimants for respective portions of the property, and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $1,107.25, conditioned in part that it be brought into conformity with the law under the supervision of this department.

W. M. Jardine, *Secretary of Agriculture.*

14326. Misbranding of cottonseed meal. U. S. v. 300 Sacks and 300 Sacks of Cottonseed Meal. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20842, 20843. I. S. No. 9459–x. S. No. C–4948.)

On February 9, 1926, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 600 sacks of cottonseed meal, remaining in the original unbroken packages in part at Jonesboro, Tenn., and in part at Telford, Tenn., alleging that the article had been shipped by the Tuscumbia Cotton Oil Co., Tuscumbia, Ala., November 17, 1925, and transported from the State of Alabama into the State of Tennessee, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Triangle Brand

Cotton Seed Meal * * * Guaranteed Analysis Protein 41.00% Fibre 10.00%."

Misbranding of the article was alleged in the libels for the reason that the statement "Protein 41.00%, Fibre 10.00%," borne on the label, was false and misleading and deceived and misled the purchaser, since the protein content of the said article was less than 41 per cent.

On March 19, 1926, the Tuscumbia Cotton Oil Co., Tuscumbia, Ala., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its true nature and character.

W. M. JARDINE, *Secretary of Agriculture.*

14327. Adulteration and misbranding of almond paste. U. S. v. 14 Cases of Almond Paste. Default order of destruction entered. (F. & D. No. 20786. I. S. No. 668–x. S. No. W–1657.)

On or about January 22, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 cases of almond paste, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the American Almond Products Corp., New York, N. Y., about November 21, 1925, alleging that the article had been shipped from New York, N. Y., in interstate commerce into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Invincible Brand Almond Paste Flavored With 5% Bitter Kernels * * * Southern California Supply Co. * * * Los Angeles, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a kernel paste other than almond, had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, and/or injuriously affect its quality and/or strength.

Misbranding was alleged for the reason that the statement borne on the label "Almond Paste Flavored With 5% Bitter Kernels" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article. It was further alleged in the libel that the article was misbranded, in that it was labeled so as to deceive or mislead the purchaser owing to a failure to declare for whom packed or by whom distributed.

On May 27, 1926, no claimant having appeared for the property, judgment of the court was entered, ordering destruction of the product.

W. M. JARDINE, *Secretary of Agriculture.*

14328. Adulteration and misbranding of butter. U. S. v. Swift & Co. Plea of nolo contendere. Fine and costs, $75. (F. & D. No. 19748. I. S. No. 6427–x.)

On March 1, 1926, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, trading at Nashville, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about June 30, 1925, from the State of Tennessee into the State of Georgia, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Package) "Brookfield Creamery Butter * * * Swift & Company S U. S. A."

Analysis by the Bureau of Chemistry of this department of 6 samples from the shipment showed an average of 77.49 per cent of milk fat.

Adulteration of the article was alleged in the information for the reason that a substance which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, to wit, "Creamery Butter," borne on the packages and parcels containing the article, was false and misleading, in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, and in that the said statement was borne on the

labels so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was not butter, in that it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On April 20, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a penalty of $75 in lieu of fine and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14329. Adulteration of shell eggs. U. S. v. Judson Pitman. Plea of guilty. Fine, $50. (F. & D. No. 19673. I. S. Nos. 3624–x, 3625–x, 3627–x.)

On February 4, 1926, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Judson Pitman, Murray, Ky., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about July 9, 15, and 16, 1925, respectively, from the State of Kentucky into the State of Alabama, of quantities of shell eggs which were adulterated. The article was labeled in part: "Judson Pitman * * * Shipped From Murray, Ky."

Examination by the Bureau of Chemistry of this department of a number of cases from each shipment showed 13.8 per cent, 22 per cent and 13.7 per cent, respectively, of inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On April 20, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

W. M. JARDINE, *Secretary of Agriculture.*

14330. Misbranding of butter. U. S. v. 12 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20091. I. S. No. 14873–v. S. No. C–4728.)

On April 24, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 cases of butter, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Paul A. Schulze Co., St. Louis, Mo., on or about April 17, 1925, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Jersey Belle Creamery Butter One Pound Net Weight * * * Paul A. Schulze Co. St. Louis, Mo."

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of said act, general paragraph and paragraphs 2 and 4, in that it was not packed in units of one pound each in accordance with its label, but said units contained less than 1 pound each, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

It was further alleged in the libel that the butter contained less than 80 per cent of butterfat, in violation of the act of Congress of March 4, 1923.

On December 2, 1925, the Paul A. Schulze Co., St. Louis, Mo., having appeared as claimant for the property and having confessed the allegations of the libel, a decree was entered, adjudging that the product contained less than 80 per cent of milk fat, in violation of the act of March 4, 1923, and that it was improperly labeled, and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $125, conditioned in part that it be reworked and reconditioned in compliance with the law.

W. M. JARDINE, *Secretary of Agriculture.*

14331. Misbranding and alleged adulteration of canned peas. U. S. v. 543 Cases of Canned Peas. Decree entered, adjudging product misbranded and ordering its release under bond. (F. & D. No. 20773. I. S. No. 4486–x. S. No. C–4932.)

On January 16, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure

and condemnation of 543 cases of canned peas, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Bark River Packing Co., Merton, Wis., on or about November 27, 1925, and transported from the State of Wisconsin into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Red Rose (Robe) Brand Little Miss Muffet Peas."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Peas," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 14, 1926, the Rosen-Reichardt Brokerage Co., St. Louis, Mo., having appeared as claimant for the property, a decree was entered, adjudging the product misbranded and liable to seizure, condemnation, and confiscation, and it was ordered by the court that the product be released to the said claimant under the terms of a bond conditioned that it be relabeled as follows: "Slack-filled, contains excessive brine, contents 12.2 ounces of peas. This can should contain 13.5 ounces of peas," and that the claimant pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

14332. Adulteration and misbranding of apples. U. S. v. Joseph E. Almeder (Almeder, Eames & Co.). Plea of nolo contendere. Case placed on file. (F. & D. No. 19247. I. S. No. 10545–v.)

On January 7, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph E. Almeder, trading as Almeder, Eames & Co., Boston, Mass., alleging shipment by said defendant, in violation of the food and drugs act, on or about October 1, 1923, from the State of Massachusetts into the State of Maine, of a quantity of apples which were adulterated and misbranded. The article was labeled in part: "Massachusetts Standard Fancy Grade Min. Size 2–3/4 Inches * * * Packed By Almeder Eames & Co., Boston, Mass."

Adulteration of the article was alleged in the information for the reason that apples of a lower grade than Massachusetts standard fancy grade apples and less than 2¾ inches in diameter each had been substituted in part for Massachusetts standard fancy grade apples of not less than 2¾ inches in diameter each, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Massachusetts Standard Fancy Grade Min. Size 2–3/4 Inches," borne on the barrels containing the article, was false and misleading, in that the said statement represented that the said apples were Massachusetts standard fancy grade apples of not less than 2¾ inches in diameter each, and for the further reason that the apples were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were Massachusetts standard fancy grade apples of not less than 2¾ inches in diameter each, whereas they were of lower grade than represented and less than 2¾ inches in diameter each. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article.

On May 20, 1926, the defendant entered a plea of nolo contendere to the information, and the court ordered the case placed on file.

W. M. JARDINE, *Secretary of Agriculture.*

14333. Adulteration and misbranding of linseed oil meal. U. S. v. The Mann Bros. Co. Plea of guilty. Fine, $25 and costs. (F. & D. No. 19292. I. S. Nos. 10597–v, 10598–v, 13709–v, 15997–v, 16021–v.)

On March 10, 1925, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mann Bros. Co., a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or

about December 13 and 17, 1923, February 27, March 7, 12, and 13, 1924, respectively, from the State of New York into the States of Maryland, Pennsylvania, and New Jersey, respectively, of quantities of linseed oil meal which was adulterated and misbranded. The article was labeled in part: "Pure Old Process Linseed Oil Meal From The Mann Bros. Co. Buffalo, N. Y. Guaranteed Analysis Minimum Protein 35" (or "Minimum Protein 34").

Analysis by the Bureau of Chemistry of this department of samples from the two shipments labeled "Minimum Protein 35" showed 32.2 per cent protein; analysis of samples from the three shipments labeled "Minimum Protein 34" showed 31.6 per cent, 31.5 per cent, and 32.1 per cent, respectively, of protein.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, linseed oil meal containing less than 35 per cent of protein, or linseed oil meal containing less than 34 per cent of protein, as the case might be, had been substituted for the said article.

Misbranding was alleged for the reason that the statements to wit "Linseed Oil Meal * * * Guaranteed Analysis Minimum Protein 35" with respect to a portion of the product, and "34% Protein. Pure Old Process Linseed Oil Meal * * * Guaranteed Analysis Minimum Protein 34," with respect to the remainder thereof, were false and misleading, in that the said statements represented that the article contained not less than 35 per cent of protein, or not less than 34 per cent of protein, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the said respective amounts of protein, whereas it did not but did contain less amounts.

On March 10, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14334. Adulteration and misbranding of butter. U. S. v. Yalobusha Co-Operative Creamery. Plea of guilty. Fine, $10. (F. & D. No. 17909. I. S. Nos. 4195–v, 6191–v.)

On December 3, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Yalobusha Co-Operative Creamery, a corporation, Water Valley, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 31, 1923, from the State of Mississippi into the State of Alabama, of a quantity of butter which was adulterated and misbranded, and on or about June 2, 1923, from the State of Mississippi into the State of Illinois, of a quantity of butter which was adulterated. The product shipped May 31, 1923, into Alabama was labeled in part: "State Brand Butter This butter is manufactured by the Mississippi Creameries Co-Operative Association * * * This package contains 16 ounces net weight when packed."

Adulteration was alleged in the information with respect to the butter involved in both consignments for the reason that a product deficient in butterfat and containing an excessive amount of moisture had been substituted for butter, which the article purported to be.

Misbranding was alleged with respect to the butter shipped May 31, 1923, into Alabama, for the reason that the statements, to wit, "Butter," and "This package contains 16 ounces net weight," borne on the packages containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of butter, and that each of said packages contained 16 ounces net weight thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter and that each of said packages contained 16 ounces net weight thereof, whereas it consisted of a product deficient in butterfat and containing an excessive amount of moisture, and each of said packages did not contain 16 ounces net weight of the article but did contain a less amount. Misbranding was alleged with respect to the said shipment of butter into Alabama for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 19, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $10.

W. M. JARDINE, *Secretary of Agriculture.*

14335. Adulteration and misbranding of butter. U. S. v. Shelby Creamery Co. Pleas of guilty. Fines, $51. (F. & D. Nos. 19329, 19718. I. S. Nos. 6577-x, 16556-v, 16694-v, 16696-v.)

On March 16, 1925, and March 15, 1926, respectively, the United States attorney for the Western District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the Shelby Creamery Co., a corporation, Shelby, N. C., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about June 3, July 15 and 18, 1924, and September 7, 1925, respectively, from the State of North Carolina into the State of South Carolina, of quantities of butter which was misbranded and a portion of which was also adulterated. The article was labeled in part: "Shelby Gilt Edge Creamery Butter * * * Shelby Creamery Company Shelby, N. C. * * * One Pound Net."

Adulteration was alleged in one of the informations for the reason that a product deficient in milk fat had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged in both informations for the reason that the statement "One Pound Net" and in one information for the reason that the statement "Creamery Butter," borne on the cartons or packages containing the article, were false and misleading, in that the said statements represented that the packages or cartons contained 1 pound net of butter, and that the said portion consisted wholly of creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cartons or packages contained 1 pound net of butter, and that the said portion consisted wholly of creamery butter, whereas the packages or cartons did not contain 1 pound net of butter but did contain a less amount, and a portion of the article consisted of a product deficient in milk fat. Misbranding was alleged in both informations for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 15, 1926, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate of $51.

W. M. JARDINE, *Secretary of Agriculture.*

14336. Adulteration of shell eggs. U. S. v. 7 Crates and 14 Crates of Shell Eggs. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21086, 21087. I. S. Nos. 8194-x, 8195-x. S. Nos. E-5758, E-5759.)

On April 29, 1926, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 21 crates of shell eggs, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Hecla Poultry Farm, from Bellefonte, Pa., in part on or about April 23, 1926, and in part on or about April 24, 1926, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of decomposed eggs.

On May 18, 1926, Austin F. Hockman, Bellefonte, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $450, in conformity with section 10 of the act, conditioned in part that the eggs be sorted under the supervision of this department and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

14337. Adulteration of canned string beans. U. S. v. 250 Cases of Canned String Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20715. I. S. No. 9542-x. S. No. C-4910.)

On or about December 22, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed

in the District Court of the United States for said district a libel praying seizure and condemnation of 250 cases of canned string beans, remaining in the original packages at Breckenridge, Tex., alleging that the article had been shipped from the Pitkin Canning Co., West Fork, Ark., on or about September 11, 1925, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Appleby's Zat-Zit Brand Cut String Beans Packed By Appleby Bros. Fayetteville, Ark."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 14, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14338. Adulteration of canned string beans. U. S. v. 99 Cases of Canned String Beans, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20617, 20619. I. S. Nos. 9535-x, 9538-x. S. Nos. C-4863, C-4867.)

On or about December 2 and 3, 1925, respectively, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 209 cases of canned string beans, remaining in the original packages in part at Big Springs, Tex., and in part at Abilene, Tex., alleging that the article had been shipped by Appleby Bros., Fayetteville, Ark., in two consignments, on or about September 7 and 9, 1925, respectively, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Zat-Zit Brand Cut String Beans * * * Appleby's Zat-Zit Brand Packed By Appleby Bros. Fayetteville, Ark."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 14, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14339. Adulteration and alleged misbranding of canned cherries. U. S. v. 800 Cases of Red Sour Pitted Cherries, et al. Tried to the court. Finding for Government on adulteration charge and for claimant on misbranding charge. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 20345, 20430. I. S. Nos. 6045-x, 6055-x. S. Nos. E-5366, E-5465.)

On August 12 and September 14, 1925, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 897 cases of canned cherries, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Fredonia, N. Y., in two consignments, on or about July 29 and 31, 1925, respectively, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Sky Lark Brand Red Sour Pitted Cherries * * * Packed By Fredonia Salsina Canning Co., Inc."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed and putrid vegetable substance. Adulteration was alleged for the further reason that cherry pits had been mixed and packed with the article and had been substituted wholly or in part for pitted cherries.

Misbranding was alleged for the reason that the statement "Red Sour Pitted Cherries," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing an excessive amount of pits.

On February 8, 1926, the Fredonia Salsina Canning Co., Fredonia, N. Y., having filed a claim and answer denying the material allegations of the libels, the cases came on for trial before the court on bill and answer and proofs. On

February 16, 1926, the court handed down the following opinion, finding in favor of the Government on the adulteration charge and for the claimant on the misbranding charge (Dickinson, *D. J.*):

"We frankly confess our utter inability to find any wholly satisfactory ground on which to base a ruling in this cause or any standard by which to judge it.

"The libels are based upon the food and drugs act, which provides that any food which enters into interstate commerce may be confiscated if it is adulterated or misbranded. This double charge is made in this case. The act defines 'adulteration' in respect to food, and 'any animal or vegetable substance' for use as a food which is 'filthy, decomposed, or putrid' is adulterated within the meaning of the act. These cherries are not animals, although they are charged to be the abode of animalculae in the form of worms. We are relieved of the task of deciding whether a cherry is a vegetable substance because no point is made of this as it is agreed that it has been ruled that fruits are vegetables within the meaning of this law.

"The only fact left to be found is whether they are 'filthy, decomposed, or putrid' within the meaning of this act. We could not honestly find that they are either filthy or putrid as we use these words in common speech. They are certainly not decomposed or they would not be in existence as cherries. We assume the fair meaning of this word to be whether they are so far what is called 'afflicted with rot' as to be unfit for food. A fair general finding would be, under the weight of the evidence, that some of them are. They are put up in can containers of the No. 10 size, each holding in round numbers 1.000 cherries. How would it be practically possible with the utmost practicable care to get 1,000 cherries together without the presence of some bad ones? The problem then becomes how many bad ones would give such character to the whole as to condemn the lot? This is not a mathematical question and yet numbers and percentages enter into it. Before numbers can be found or percentages figured it must be determined what a bad cherry is. We had a concrete illustration of the difficulty of even this easy part of the general problem. There is a defect in the appearance of a cherry known as a limb bruise. Some crops, for obvious reasons, would show more of such cherries than others. No commercial man would call such a cherry bad. All would agree, however, that it would depend upon the depth of the bruise, and that rot would more speedily attack such cherries than it would others. When such a cherry was submitted to the witnesses, as any one would have known beforehand, all those who are commonly called technical experts pronounced it a bad cherry and all the commercial experts called it a limb bruised cherry. Numbers and percentages follow the classification adopted.

"What we have said about bad cherries applies to wormy cherries, with this difference. You can tell by ocular inspection whether a cherry is rotten. You can not be sure of the absence of a worm without opening the cherry. In consequence, all that is practicable to do is to select what might be called a fair sample of the lot and assume that what the sample showed the whole lot would show. Here again numbers and percentages enter into the general finding. How many worms would condemn the lot or how many wormless cherries would save it? The only historical guide we know of is that applied by the angel to the cities of Sodom and Gomorrah. We would hesitate to accept this standard because we suspect that the angel knew what the count would disclose before he agreed to abide by it or he would not have been so liberal. If this general question were being submitted to the unerring—because inscrutable—wisdom of a jury, the task of the trial judge would be easy. The task of the jury would likewise be relatively easy because they would not be called upon to give any reasons for their decision. It would be easy to decide this cause and perhaps decide it right, at least to the satisfaction of one of the parties. It is well-nigh impossible to give reasons for the ruling without probable error and giving dissatisfaction to both parties and to everybody else who was nterested enough to care. The motive back of the general purpose of this act is to assure the supply of wholesome food to the people. This law and all like laws command the sympathy and support of everyone in their motives. The real situation might as well be faced. Such laws, aside from the beneficent results intended to be reached, touch two important classes. One is the commercial class and the other those who wield what are called the political forces of a self-governing people. The commercial class of necessity have but one test for everything, and that is salability or the money test. With those who deal in food products the sale test is, Will the product sell at a remunerative price? Wholesomeness enters into it only secondarily although

importantly. If the dealer can earn a reputation for his product as being what they advertise it to be, 'absolutely pure,' the product will sell readily and for a good price. Two results follow. One is they will spend money and go to any trouble to have their product good and wholesome to the point of a return in remunerative sales and prices but at this line they will stop, not because they want to stop there but because commercially they must. The other result is that, generally speaking, they will all welcome and abide by a law of this kind, and those of them whose products are wholesome wish, for obvious reasons, to have the law rigorously enforced. One reason is that they by this law add to their own advertising claim of purity the 'guarantee,' as it is termed, of the United States Government that the food has been inspected and found to be pure. Just here caution should enter into the establishment of any standard. As was pointed out by the exceptionally intelligent inspectors who testified in this case, there must in the practical workings of this law be allowed a zone of tolerance. This must of necessity be more liberal than the general commercial standard. The moment, however, it becomes known to the dealers it is inevitable that some of them will 'edge up' to the more liberal standard, and the moment some do all must or be undersold. The political consequences seem to receive little attention from anyone but they are very grave. We are speaking of it, of course, in a wholly impersonal sense. Subject anyone, as nearly every trade and all business is now subjected, to the control of officials appointed by an executive and what becomes of our boasted self-government? The only haven of refuge is to give to business people the assurance that they are subject to the personal control of no one but to the rule of law alone. We have spoken in no spirit of criticism of either the commercial class or of the politicians. They both run true to form, and great numbers of each are as much better than their customers and constituents permit them to be as they find they dare be. All these considerations bear upon the duty of the courts in construing these laws, but it makes that duty an especially delicate one. The courts must protect the dealer from any unjust, undue or arbitrary exercise of power or our Government ceases to be one of law. The officials must be supported in the performance of their lawful duty or these laws become a mockery.

"We put on record our finding that the officials charged with the execution of this law have exhibited a spirit of fairness and of consideration of the interests of everyone affected, and have acted throughout with a good sense in the discharge of their difficult duties which is highly commendable.

"To bring this long discussion to a close, with one further comment before announcing the conclusions reached. The comment is that this case as a case has already cost more in its investigation than the product concerned is worth, and we have no wish to prolong it or to add to the expense, but we do wish to accord to both parties all their rights, and among these the right to decide for themselves how far to push the litigation.

"As our conclusions are both of findings which we can not make and of those which we do make, we will state the former first. We are unable to find that these cherries are "filthy or putrid" in the ordinary meaning and acceptation of those words in common speech, and refuse to so find. We further refuse to find that the cherries were misbranded.

"The conclusions reached are as follows:

"1. As the act of Congress gives to the claimant the right to a jury trial, we accord to the claimants here that right, and if exercised within 15 days from the filing of this opinion the entry of any judgment hereon is to be withheld.

"2. We find the condition and state of these cherries to have justified their stoppage and seizure, and that they were and are adulterated within the meaning of this act of Congress.

"3. A formal order or judgment sustaining the libels may be submitted if no jury trial is asked for within the time above limited.

"4. We retain jurisdiction of the cause for the purpose of making formal and, so far as concerns this court, final disposition of it."

On May 7, 1926, no jury trial having been demanded by the claimant, the court, in accordance with the above opinion, entered decrees, ordering condemnation and forfeiture of the product, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $4,000, the terms of said bonds requiring that the product be reconditioned under the supervision of this department.

W. M. Jardine, *Secretary of Agriculture.*

14340. Misbranding of Mecca compound. U. S. v. 4 Dozen, et al., Packages of Mecca Compound. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20863, 20864, 20865, 20866. I. S. Nos. 2196–x, 2197–x, 2198–x, 2199–x. S. Nos. C–4968, C–4969, C–4970, C–4971.)

On February 20, 1926, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels and on March 26, 1926, amended libels praying seizure and condemnation of 18 dozen two-ounce packages, 9½ dozen six-ounce packages, 1 11/12 dozen thirteen-ounce packages, and 2 dozen three-ounce packages of Mecca compound, at Cincinnati, Ohio, alleging that the article had been shipped by the Foster-Dack Co., from Chicago, Ill., between the dates of February 23 and November 16, 1925, and transported from the State of Illinois into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Box label) "Healing * * * for all kinds of Sores and inflammation giving quick relief and aiding nature to make speedy cures * * * for * * * Barber's Itch, Eczema, Erysipelas, Hives, Salt Rheum * * * Blood Poison, Boils, Diphtheritic Sore Throat, Pneumonia and all kinds of inflammation," (carton) "Healing," (circular) "Directions for Using Mecca Compound * * * For Burned and Scalded surfaces, apply the Mecca * * * the immediate result will be, cessation of pain and inflammation and no further blistering. Minor burns heal quickly and serious burns heal in a few weeks, free from scars and blemishes. No scars from burns ever appear where Mecca is properly used. For Frosted or Frozen parts apply the same as to a burned surface, applying, when possible, before the frost is withdrawn, for if so applied restoration will follow immediately. * * * for all kinds of hurts. Its use prevents soreness and inflammation and hastens a cure. In serious cases such as * * * Felons, Boils and Carbuncles apply by poulticing * * * Nothing equals Mecca for relieving Pain and for removing soreness. Any sore, recent or of long standing, may be cured by its use, practically applied. For Erysipelas, Gangrene, Scarlet Fever, Chicken Pox, Small Pox and All Eruptive Diseases. For Erysipelas and Gangrene, poultice freely all the parts affected and if the case be severe let the poultice be applied fully half inch thick, but if mild, less will do. For Scarlet Fever, apply to all the eruptive parts by rubbing, and poultice the throat freely until relieved from soreness. For Chicken Pox, apply the Compound freely to all the irritated parts, with moderate rubbing. In Small Pox apply, both by rubbing and poulticing. Rub the patient with the Compound where there are aches and pains, and poultice freely where there is much soreness. It prevents all Itching, and Pitting, reduces the fever, strengthens the patient, and hastens recovery. For Sore Throat, Lung Trouble, Inflammation of the Bowels, Appendicitis, and Rheumatism, For Sore Throat apply * * * thickly over the front of the throat * * * For Lung Trouble, Pneumonia, soreness of the chest and lungs, apply * * * by poultice * * * if the case be severe * * * if mild apply once or twice a day by rubbing * * * For Inflammation of the bowels, and Appendicitis, spread a thick poultice * * * apply over the seat of pain. It is best to keep the poultice on for some time after relief is obtained. For Rheumatism and sundry pains, apply by rubbing, if severe, by poulticing. Its continued use, even in most stubborn cases, will result in a cure," (testimonials) "I * * * have seen many men badly burned * * * nothing I ever saw or heard of compares with the wonderful work of Mecca Compound, so quickly and so fully does it relieve the sufferer from all pain and so quickly does nature restore under its use. * * * X–Ray Burn Cured. I suffered many months from an X–Ray burn * * * It developed into a running sore, which the doctors were unable to heal * * * Mecca Compound * * * relieved the pain and soreness and made a complete cure. * * * when burned with the electric current. In no instance have we found it to fail in giving immediate relief," (circular) "Mecca Compound Ointment. If every home * * * would keep * * * Mecca Compound ready for immediate application in * * * Severe Burns and Scalds, bad Bruises, Blood Poison, Fevers and all kinds of inflammation, many lives would be saved and a vast amount of suffering avoided. Applied * * * to a burned or scalded surface, pain ceases, blistering is prevented and inflammation is held in check while nature soon restores. We firmly believe, if a burned or scalded patient lives two days under common treatment and then expires, that had Mecca Compound been immediately applied, in nearly every case, life would have been saved. We advise the head of every family to at once provide for its safety

* * * has saved lives and much suffering * * * A wise man will provide in time. Insure Protection for your Family by providing means of escape should a severe accident occur, such as is of daily occurrence. The clippings below * * * illustrate constant danger and the need of immediate efficient aid. We firmly believe had Mecca Compound been immediately applied in sufficient quantity all of those, here mentioned, would have been saved. Note well the case of Mr. Mead of Council Bluffs, Iowa, how prompt application saved his life. Duty neglected brings remorse but can not restore life. A Mr. Mead of Council Bluffs, Iowa, was terribly burned by an explosion of gasoline. In less than ten minutes one third of his body had blistered while the whole body, except the head and feet, seemed ready to break forth * * * had a good supply of Mecca Compound * * * covering him half an inch thick. * * * in five weeks he was back to his shop, without a scar or blemish. In this case 30 minutes' delay meant death in a few hours. * * * Clippings from The Chicago Daily Tribune * * * died * * * of scalds * * * died * * * of burns."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of a mixture of fat, petrolatum, zinc oxide (1.2 per cent), and a trace of phenol.

Misbranding of the article was alleged in the libels for the reason that the labels on the box and carton and in the accompanying circulars contained statements as above set forth, regarding the curative and therapeutic effects of the said article, which were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 14, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14341. Adulteration and misbranding of frozen eggs. U. S. v. 85 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20903. I. S. No. 8106-x. S. No. E-5654.)

On March 2, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 85 cans of frozen eggs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the J. A. Long Co., from Union City, Ind., on or about January 26, 1926, and transported from the State of Indiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "J. A. Long Company, Portland, Ind."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 2, 1926, the J. A. Long Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $750, conditioned in part that the bad portion be separated from the article and destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

14342. Adulteration and misbranding of quinine sulphate tablets. U. S. v. United Drug Co. Plea of nolo contendere. Fine, $100. (F. & D. No. 19595. I. S. Nos. 13025-v, 13030-v, 13031-v.)

On April 7, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the United Drug Co., a corporation, alleging shipment by said company, in violation of the food and drugs act, from the State of Massachusetts into the State of New York, in various consignments, on or about March 14 and 21, and April 4, 1924, respectively, of quantities of quinine sulphate tablets which were adulter-

ated and misbranded. The article was labeled in part: "Quinine Sulphate 5 Grains" (or "2 Grains" or "3 Grains") "United Drug Co. Boston."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that the tablets labeled "5 Grains" contained 3 grains of quinine sulphate each, the tablets labeled "2 Grains" contained 1.56 grains of quinine sulphate each, and the tablets labeled "3 Grains" contained 2.68 grains of quinine sulphate each.

Adulteration of the article was alleged in the information for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that the tablets were represented to contain 5 grains, 2 grains, or 3 grains, as the case might be, of quinine sulphate, whereas the said tablets contained less quinine sulphate than represented.

Misbranding was alleged for the reason that the statements, to wit, "Tablets * * * Quinine Sulphate 5 Grains," "Tablet * * * Quinine Sulphate 2 Grains," and "Tablets * * * Quinine Sulphate 3 Grains," borne on the respective labels, were false and misleading, in that the said statements represented that the tablets contained 5 grains, 2 grains, or 3 grains, as the case might be, of quinine sulphate, whereas the said tablets contained less quinine sulphate than so represented.

On May 3, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

W. M. Jardine, *Secretary of Agriculture.*

14343. Misbranding of quinine sulphate pills, nitroglycerin tablets, and tincture nux vomica. U. S. v. The E. L. Patch Co. Plea of nolo contendere. Fine, $200. (F. & D. No. 19637. I. S. Nos. 2168–v, 2440–v, 12849–v, 13003–v, 13005–v, 13359–v, 13449–v, 14324–v, 15875–v, 16047–v.)

On July 13, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the E. L. Patch Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act, in various consignments between the dates of March 31 and December 3, 1924, from the State of Massachusetts into the States of New York, New Jersey, and Maine, respectively, of quantities of quinine sulphate pills, nitroglycerin tablets and tincture nux vomica which were misbranded. The articles were labeled, respectively: "Pills Sugar Coated Quinine Sulphate 2 grains * * * The E. L. Patch Co. Manufacturing Pharmacists Boston, Mass."; "Tablets Nitroglycerin 1–100 grain"; "Tincture of Nux Vomica 72% Alcohol Strength of U. S. P. IX 100 mils contain 0.25 Gm. of total alkaloids of Nux Vomica."

Misbranding of the quinine sulphate pills and the nitroglycerin tablets was alleged in the information for the reason that the statements, to wit, "Pills * * * Quinine Sulphate 2 grains," and "Tablets Nitroglycerin 1–100 grain," borne on the labels of the respective products, were false and misleading, in that the said statements represented that the quinine sulphate pills each contained 2 grains of quinine sulphate, and that the nitroglycerin tablets each contained 1–100 grain of nitroglycerin, whereas the said quinine sulphate pills contained less than 2 grains of quinine sulphate each, the 5 lots containing approximately 1.643, 1.665, 1.677, 1.665, and 1.664 grains of quinine sulphate, respectively, to each pill, and the nitroglycerin tablets containing 0.00722, 0.00724, 0.00614, 0.00713 grain of nitroglycerin, respectively, to each tablet.

Misbranding of the tincture nux vomica was alleged for the reason that the statement, to wit, "Tincture of Nux Vomica * * * Strength of U. S. P. IX 100 mils contain 0.25 Gm. of total alkaloids of Nux Vomica," borne on the label, was false and misleading, in that the said statement represented that the article was nux vomica which conformed to the standard prescribed by the United States Pharmacopoeia, Volume IX, and that 100 mils of the article contained 0.25 gram of total alkaloids of nux vomica, whereas it was not nux vomica of the standard prescribed by the said pharmacopoeia, and 100 mils of the article did not contain 0.25 gram of total alkaloids of nux vomica but did contain a less amount, to wit, 0.154 gram of the alkaloids of nux vomica per 100 mils.

On December 28, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $200.

W. M. Jardine, *Secretary of Agriculture.*

14344. Adulteration and misbranding of red dog. U. S. v. 500 Sacks of Red Dog. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 20601. I. S. No. 4454-x. S. No. C-4857.)

On November 12, 1925, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 sacks of red dog, remaining in the original unbroken packages at East St. Louis, Ill., consigned by the I. S. Joseph Co., alleging that the article had been shipped from Minneapolis, Minn., on or about September 12, 1925, and transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was unlabeled but was designated as "Red Dog."

It was alleged in substance in the libel that the article was adulterated in violation of section 7, paragraph 2 under food, of the said act, in that it consisted wholly or in part of a mixture of ground bran and screenings and a low-grade flour.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 19, 1926, the I. S. Joseph Co., Inc., Minneapolis, Minn., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

14345. Adulteration of canned shrimp. U. S. v. 45 Cases, et al., of Shrimp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20848, 20849, 20850. I. S. Nos. 3889-x, 3890-x, 3891-x. S. Nos. C-4949, C-4953.)

On February 11, 1926, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 99 cases of shrimp, remaining in the original unbroken packages in part at Beaumont, Tex., and in part at Port Arthur, Tex., alleging that the article had been shipped by the Houma Packing Co., from Houma, La., on or about November 3, 1925, and transported from the State of Louisiana into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ho-ma Brand Shrimp Packed By Houma Packing Co. Houma, La."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 11, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14346. Adulteration and misbranding of jellies. U. S. v. 1,440 Tumblers of Currant Jelly and 5,760 Tumblers of Grape Jelly. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21027. I. S. Nos. 8124-x, 8125-x. S. No. E-5710.)

On or about April 23, 1926, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,440 tumblers of currant jelly and 5,760 tumblers of grape jelly, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the articles had been shipped by Richard Brinkman, from West New York, N. J., April 8, 1926, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Mrs. Brinkman's Pure Home Made Currant" (or "Grape") "Jelly * * * Jersey City 7 Oz. Net."

Adulteration of the articles was alleged in the libel for the reason that substances, pectin and fruit jellies, had been mixed and packed therewith so as

to reduce, lower, or injuriously affect their quality or strength and had been substituted in part for the said articles.

Misbranding was alleged for the reason that the statements "Pure * * * Currant Jelly" and "Pure * * * Grape Jelly," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser.

On May 18, 1926, Richard Brinkman, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that they be relabeled under the supervision of this department as follows: "Mrs. Brinkman's Home Made Style Apple Pectin Grape" (or "Currant") "Jelly."

W. M. JARDINE, *Secretary of Agriculture.*

14347. Adulteration and alleged misbranding of ether. U. S. v. 87 Cans, et al., of Ether. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21036, 21038, 21039. I. S. Nos. 10623–x, 10625–x, 10655–x. S. Nos. W–1911, W–1962, W–1963.)

On April 26, 1926, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1 case and 287 cans of ether, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Powers-Weightman-Rosengarten Co., in part from St. Louis, Mo., in part from Philadelphia, Pa., and in part from New York, N. Y., on or about the respective dates of February 10 and 24 and March 11, 1926, and transported from the respective States of Missouri, Pennsylvania, and New York into the State of California, and charging adulteration and misbranding with respect to a portion of the article, and adulteration with respect to the remainder thereof, in violation of the food and drugs act. Two hundred cans of the product were labeled in part: "Ether U. S. P. Concentrated * * * This Ether is not intended for Anaesthesia * * * Powers-Weightman-Rosengarten Co. Philadelphia." The remaining 88 cans of the product were labeled in part: "Ether U. S. P. For Anaesthesia Powers-Weightman-Rosengarten Co. Philadelphia."

Analysis by the Bureau of Chemistry of this department of samples of the article showed that it contained peroxide, and a portion of it also contained aldehyde.

Adulteration of the article was alleged in the libels for the reason that it contained peroxide, or peroxide and aldehyde, and was sold under a name recognized in the United States Pharmacopœia and differed from the standard prescribed by the said pharmacopœia, and for the further reason that it fell below the professed standard under which it was sold.

Misbranding was alleged with respect to a portion of the product for the reason that the statement borne on the cans containing the said portion, "Ether U. S. P. For Anaesthesia," was false and misleading.

On May 25, 1926, the Powers-Weightman-Rosengarten Co., Philadelphia, Pa., having appeared as claimant for the property and having consented to the entry of decrees, judgments of the court were entered, finding the product adulterated and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $155, conditioned in part that it be brought into conformity with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14348. Adulteration and misbranding of vanilla extract. U. S. v. 59 Dozen Bottles of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20104. I. S. No. 14196–v. S. No. E–5319.)

On or about June 25, 1925, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 59 dozen bottles of vanilla extract, remaining unsold in the original unbroken packages at Wilmington, Del., alleging that the

article had been shipped by the Fulton Mfg. Co., from New York, N. Y., on or about May 12, 1925, and transported from the State of New York into the State of Delaware, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Fulton Brand Pure Vanilla Extract Purity And Quality Fulton Manufacturing Co. New York Contents 6 Drams Alcohol About 42%."

Adulteration of the article was alleged in the libel for the reason that a substandard vanilla extract had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby inferiority was concealed.

Misbrand ng was alleged for the reason that the statements "Pure Vanilla Extract Contents 6 Drams Purity And Quality," borne on the label, were false and misleading and deceived and misled the purchaser, for the further reason that it was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 26, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14349. Adulteration of grapefruit. U. S. v. 4 Boxes of Grapefruit. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20908. I. S. No. 1691-x. S. No. C-4985.)

On February 17, 1926, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 boxes of grapefruit, remaining in the original unbroken packages at Topeka, Kans., alleging that the article had been shipped by Geo. W. Hackney, from Weslaco, Tex., on or about January 20, 1926, and transported from the State of Texas into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Tree-Ripe Brand Rio Grande Valley Citrus Fruits Packed only by Geo. W. Hackney Post Office Donna, Texas."

Adulteration of the article was alleged in the libel for the reason that it was composed of filthy, decomposed vegetable matter.

On April 24, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14350. Adulteration of canned salmon. U. S. v. 2,000 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18925. I. S. Nos. 7760-v, 7765-v. S. No. W-1559.)

On August 22, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2,000 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Alaska Consolidated Canneries, from Rose Inlet, Alaska, July 22, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Surf Brand Choice Alaska Pink Salmon * * * Packed in Alaska By Alaska-Pacific Fisheries Seattle, Wash, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed and putrid animal substance.

On May 14, 1926, the Alaska Consolidated Canneries, Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $5,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 14301 TO 14350

[1] Contains opinion of the court.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1926

S. R. A.—Chem. Suppl. 218 Issued November, 1926

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 14351–14400

[Approved by the Secretary of Agriculture, Washington, D. C., October 23, 1926]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

14351. Adulteration and misbranding of white flour middlings. U. S. v. New Richmond Roller Mills Co. Plea of guilty. Fine, $100 and costs. (F. & D. No. 19663. I. S. Nos. 21867–v, 21868–v, 21869–v, 21870–v, 21876–v.

On September 1, 1925, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the New Richmond Roller Mills Co., a corporation, New Richmond, Wis., alleging shipment by said company in violation of the food and drugs act, in various consignments from the State of Wisconsin, on or about August 22, September 2, 10, and 11, 1924, respectively, into the State of Ohio, and on or about August 30, 1924, into the State of Indiana, of quantities of white flour middlings which were adulterated and misbranded. The article was labeled in part: "Doughboy * * * New Richmond Roller Mills Co. New Richmond, Wisconsin. 100 Lbs. Fancy White Flour Middlings"

Adulteration of the article was alleged in the information for the reason that a substance, to wit, ground screenings, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for fancy white flour middlings, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Fancy White Flour Middlings," borne on the labels, was false and misleading, in that the said statement represented that the article consisted wholly of fancy white flour middlings, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of fancy white flour middlings, whereas it did not but did consist in part of ground screenings, which were undeclared upon the label.

On March 6, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

W. M. Jardine, *Secretary of Agriculture.*

14352. Misbranding of cottonseed meal and cake. U. S. v. 185 Sacks of Cottonseed Meal and 200 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21021. I. S. Nos. 456–x, 457–x. S. No. W–1956.)

On April 21, 1926, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 185 sacks of cottonseed meal and 200 sacks of cottonseed cake,

remaining in the original unbroken packages at Denver, Colo., consigned by the Childress Cotton Oil Co., Childress, Tex., alleging that the article had been shipped from Childress, Tex., on or about March 31, 1926, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Prime Cottonseed Meal or Cake * * * Guaranteed Analysis Protein not less than 43 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein not less than 43 per cent," borne on the labels, was false and misleading and deceived and misled the purchaser, since the said article did not contain 43 per cent of protein.

On May 20, 1926, the Childress Cotton Oil Co., Childress, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. Jardine, *Secretary of Agriculture.*

14353. Adulteration and misbranding of salad oil and misbranding of olive oil. U. S. v. Elias Germack. Tried to a jury. Verdict of guilty. Fine, $450. (F. & D. No. 17696. I. S. Nos. 1536–v, 2088–v, 2089–v, 2090–v.)

On November 13, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Elias Germack, a member of a copartnership trading as the Armenian Importing Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about September 26, 1922, from the State of New York into the State of Pennsylvania, of quantities of olive oil which was misbranded, and on or about October 14, 1922, from the State of New York into the State of Rhode Island, of a quantity of salad oil which was adulterated and misbranded. The olive oil was labeled in part: (Can) "Pure Olive Oil Sopraffino Italia Brand * * * Net Conts. ⅛ Gall." (or "Net Contents ¼ Gall." or "Net Contents ½ Gall."). The salad oil was labeled in part: (Can) "Superior Quality Oil Greek Patriot Brand Winter Pressed Cotton Salad Oil Flavored With High Grade Olive Oil A Compound Net Contents 1 Gall."

Misbranding of the olive oil was alleged in the information for the reason that the statements "Net Conts. ⅛ Gall.," "Net Contents ¼ Gall.," and "Net Contents ½ Gall.," borne on the various sized cans containing the article, were false and misleading, in that the said statements represented that each of said cans contained ⅛ gallon, ¼ gallon or ½ gallon, as the case might be, of olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained ⅛ gallon, ¼ gallon, or ½ gallon, as the case might be, of olive oil, whereas the said cans did not each contain the amount represented on the label but did contain a less amount.

Adulteration of the salad oil was alleged for the reason that a product which contained no flavor of olive oil had been substituted for a product flavored with olive oil, which the article purported to be.

Misbranding of the salad oil was alleged for the reason that the statements, to wit, "Flavored With High Grade Olive Oil," and "Net Contents 1 Gall.," borne on the label, were false and misleading, in that they represented that the article was a product flavored with high grade olive oil and that each of the cans contained 1 gallon net thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was flavored with high grade olive oil and that each of the said cans contained 1 gallon net thereof, whereas the article was not a product flavored with high grade olive oil but was a product which contained no flavor of olive oil, and each of the cans did not contain 1 gallon of the article but did contain a less amount.

Misbranding was alleged with respect to both products for the further reason that they were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 20, 1925, the case came on for trial before the court and a jury. After hearing the evidence and arguments by counsel the court charged the jury as follows (Goddard, *D. J.*):

"Gentlemen of the jury, I think you understand that the Government passed this pure food and drugs act with several purposes in mind. One of them was to protect the citizens of the country from adulterated foods and short weight and so forth. Most of those adulterations are done to only a slight degree. By that I mean they do not take out a large percentage of the can or bottle or container; it is usually one or two or three per cent which is taken out. But the Government intends that every container should contain 100 per cent, and the Government has made the law quite clear. These people here are charged with three breaches of that law: One, that the container did not state on the outside how much it contained; again, that it should have stated the exact amount, and also that it failed to contain the amount stated on the outside that it did contain. The third charge against these defendants is that there was no olive oil in this container at all, although it was advertised and sold to the public with the representation that it did contain olive oil. You can realize how important it is for such a statute to be held inviolate.

"The Government says to you, 'We will not concern ourselves with the intention of the people.' It is not a defense to this case, gentlemen, to say that they did not intend that there should be a shortage of we ght, or that they did not intend that the label should not fully indicate, or they did not intend to leave out the olive oil. If they in fact did give short weight, or did in fact fail to state on the outside; if in fact they did omit to put the olive oil in, and you find that they did, you should find them guilty.

"In a criminal case like this, and this was tried in a short time, I shall not attempt, because I think no good purpose would be served, to restate the facts to you. They are all fresh in your mind. You have seen the witnesses called by the Government, various inspectors, and you have seen the Government chemists; you have seen the witnesses that the other side called, that were called by the defendants, two witnesses, both of whom, as I recall, were customers of these defendants, or who did business with them. You will consider in your mind what interest any witness in this case may have had. Of course, if you find any witness has made a material statement of fact with the intention of misleading you, you have the right to disregard all of that witness's testimony if you see fit.

"As I remember, the shortages varied from 3.83 to 4.07 per cent in some of the containers. It seems that all of the containers are short weight.

"You know, having been in this criminal court a few days, that everyone is presumed to be innocent under the law until shown to be guilty beyond a reasonable doubt. You also know from having been in the criminal court that a reasonable doubt means a reasonable doubt or a doubt which a reasonable man has after hearing all the facts and circumstances in the case.

"As I stated to you before, gentlemen, the question of intent does not enter into this case at all. It is whether in fact the Government has proved beyond a reasonable doubt this charge against these defendants.

"Now there are nine counts here, gentlemen. The first six counts relate to the various sized cans; the last three counts relate to the alleged charge; the seventh count was to the effect that it is charged there is no olive oil at all in the containers.

"Now, gentlemen, the case is simple. You are a jury of business men and experienced. You have seen these witnesses. You will retire, and by your verdict you will decide whether or not there was a shortage in the containers and whether or not they failed to put any olive oil in as required under the law."

MR. WHITTINGHAM: "If your Honor please, I would like to offer a slight correction in your Honor's statement as to the information. It does not charge there was no olive oil; it charges there was no flavor of olive oil."

THE COURT: "No flavor of olive oil."

MR. WHITTINGHAM: "If your Honor please, I ask your Honor to charge the jury that the test in determining the guilt of the defendants is whether the article was at the time of the sale by the defendants the identical thing that the brand indicated it to be."

THE COURT: "Yes, gentlemen, that is very true, of course."

MR. WHITTINGHAM: "Also that the condition of the goods at the time of the seizure by the Government is not conclusive evidence as to their condition at the time of the sale by the defendants."

THE COURT: "Those circumstances, like everything else, gentlemen, you will take into consideration."

MR. WHITTINGHAM: "Also, that unless the jury are convinced beyond a reasonable doubt that there was misbranding as alleged in the indictment, they must find the defendants not guilty."

THE COURT: "That is correct. If you have reasonable doubt about it you have not the conviction that is required to convict. I think that covers it, doesn't it?"

MR. COUDERT: "Except it might be well to state that they can find the defendants guilty on any one or all of the counts?"

THE COURT: "Gentlemen, you are to understand you will decide and in your verdict state whether you find the defendants guilty on any one or all of these nine counts."

MR. WHITTINGHAM: "May I also ask that you instruct the jury they can have the exhibits with them?"

THE COURT: "The jury may have the exhibits."

On November 24, 1925, the jury returned a verdict of guilty on all nine counts of the information, and the court imposed a fine of $450.

W. M. JARDINE, *Secretary of Agriculture.*

14354. Adulteration of shell eggs. U. S. v. William H. Eubank (W. H. Eubank). Plea of guilty. Fine, $5. (F. & D. No. 19340. I. S. No. 12731–v.)

On March 12, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William H. Eubank, King & Queen Court House, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 21, 1924, from the State of Virginia into the State of Maryland, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From W. H. Eubank King & Queen C. H."

Examination by the Bureau of Chemistry of this department of the one case comprising the shipment showed 18.6 per cent of inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 6, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $5.

W. M. JARDINE, *Secretary of Agriculture.*

14355. Adulteration of canned cherries. U. S. v. 229 Cases of Canned Cherries. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 21028. I. S. No. 5774–x. S. No. E–5713.)

On or about April 23, 1926, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 229 cases of canned cherries, at Brockport, N. Y., alleging that the article had been shipped by Lafer Bros., from Detroit, Mich., on or about January 28, 1926, and transported from the State of Michigan into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Lafer Bros. Special Pack Cherries Lafer Bros. Distributors Detroit, Mich."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On May 29, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14356. Misbranding of cottonseed meal. U. S. v. 80 Sacks and 100 Sacks of Cottonseed Meal. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20989, 20990. I. S. Nos. 6303–x, 6304–x. S. Nos. E–5697, E–5698.)

On March 20, 1926, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 180 sacks of cottonseed meal, in part at Hackettstown, N. J., and in part

at Washington, N. J., alleging that the article had been shipped by the Flory Milling Co., Inc., Bangor, Pa., in two consignments, namely, on or about March 9 and 10, 1926, respectively, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Triangle Brand Cottonseed Meal * * * Guaranteed Analysis: Protein 43%."

Misbranding of the article was alleged in the libels for the reason that the statement "Protein 43%," borne on the labels, was false and misleading and deceived and misled the purchaser.

On June 3, 1926, the Warren Beatty Estate, Hackettstown, N. J., and J. Kreidel, Washington, N. J., having appeared as claimants for respective portions of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $750, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14357. Adulteration and misbranding of canned tomatoes. U. S. v. 105 Cases of Canned Tomatoes. Default order of destruction entered. (F. & D. No. 18269. I. S. No. 19348–v. S. No. C–4017.)

On January 17, 1926, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 105 cases of canned tomatoes, at Tiffin, Ohio, alleging that the article had been shipped by A. J. Lewis, Walnut Point, Va., on or about October 5, 1923, and transported from the State of Virginia into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Potomac Brand Hand Packed Tomatoes * * * Packed By A. J. Lewis Walnut Point, Va."

Adulteration of the article was alleged in the libel for the reason that a substance, added puree pulp or juice from skins and cores, had been mixed and packed therewith so as to reduce, lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Hand Packed Tomatoes Our Extra Quality," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 26, 1926, no claimant having appeared for the property, judgment of the court was entered, ordering destruction of the product.

W. M. JARDINE, *Secretary of Agriculture.*

14358. Adulteration of canned shrimp. U. S. v. 38 Cases of Canned Shrimp. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 20795. I. S. No. 1857–x. S. No. C–4940.)

On January 27, 1926, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 38 cases of canned shrimp, at Toledo, Ohio, alleging that the article had been shipped by the Houma Packing Co., Houma, La., on or about August 18, 1925, and transported from the State of Louisiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Chef Fancy Shrimp Wet Pack."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed or putrid animal substance.

On April 27, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14359. Adulteration of milk. U. S. v. John W. Angell. Plea of guilty. Fine, $1. (F. & D. No. 14761. I. S. Nos. 14666–r, 14668–r.)

On June 29, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John W.

Angell, Holland, N. J., alleging shipment by said defendant, in violation of the food and drugs act, in two consignments, namely, on or about May 13 and 27, 1920, respectively, from the State of New Jersey into the State of Pennsylvania, of quantities of milk which was adulterated. The article was labeled in part: "J. W. Angell, Holland, N. J."

Examination by the Bureau of Chemistry of this department of samples of the article showed that it was partly skimmed milk.

Adulteration of the article was alleged in the information for the reason that a valuable constituent, to wit, butterfat, had been wholly or in part abstracted.

On April 5, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $1.

W. M. JARDINE, *Secretary of Agriculture.*

14360. Adulteration of canned cherries. U. S. v. 50 Cases of Canned Cherries. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 19084. I. S. No. 16154–v. S. No. E–4993.)

On October 23, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of canned cherries, remaining in the original unbroken packages at Allentown, Pa., alleging that the article had been shipped from Lyndonville, N. Y., on or about August 9, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Lyndonville Brand Sour Pitted Cherries Lyndonville Canning Company, Lyndonville, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On February 27, 1925, a claim and answer was entered by the Lyndonville Canning Co., Inc., Lyndonville, N. Y. On May 13, 1926, it appearing that the claimant did not desire to further prosecute the case, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14361. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Product released under bond to be sorted. Decree entered, finding product adulterated and ordering its release and bond discharged. (F. & D. No. 20164. I. S. No. 20556–v. S. No. W–1742.)

On July 2, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 462 boxes of oranges, at Salt Lake City, Utah, alleging that the article had been shipped by the Monrovia Mutual Assoc., from Monrovia, Calif., on or about June 23, 1925, and transported from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Box) "Mission Hill Brand," (paper wrapper) "Select Oranges."

It was alleged in the libel that the article was adulterated, in that it contained an inedible product and substance that had been substituted wholly or in part for the said article.

On July 25, 1925, J. D. Masten, Los Angeles, Calif., having appeared as claimant for the property, an order of the court was entered, providing for the release of the product for the purpose of sorting and salvaging the good portions thereof. On February 15, 1926, the above order was amended to show its entry on July 25, 1925, nunc pro tunc, as of July 15, 1925. On July 25, 1925, the court having found that the product was adulterated within the meaning of the act, and that the sorting and inspection showed that practically all of the oranges were in a sound and salable condition and that only about 4 per cent showed any signs of frost whatever and none showed frost sufficient to cause broken cells, a decree was entered, ordering that it be released from the operation of the libel and the bond released.

W. M. JARDINE, *Secretary of Agriculture.*

14362. Alleged adulteration of olive oil. U. S. v. Elias Germack and George Henzorian (Armenian Importing Co.). Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 16412. I. S. No. 5091–t.)

On December 27, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Elias Germack and George Henzorian, copartners, trading as Armenian Importing Co., New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act, on or about June 4, 1921, from the State of New York into the State of Massachusetts, of a quantity of olive oil which was alleged to be adulterated and misbranded.

It was alleged in the information that the article was adulterated in that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for olive oil, which the said article purported to be.

It was further alleged in the information that the article was misbranded, in that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil and was offered for sale and sold under the distinctive name of another article, to wit, olive oil.

On May 16, 1923, the case came on for trial before the court and a jury, and the jury returned a verdict of not guilty.

W. M. Jardine, *Secretary of Agriculture.*

14363. Adulteration of chocolate concentrate. U. S. v. 2½ Gallons of Chocolate Concentrate. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 18613. I. S. No. 15991–v. S. No. E–4817.)

On April 23, 1924, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2½ gallons of chocolate concentrate, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Jack Beverages, Inc., from New York, N. Y., on or about April 5, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "5 Gals. Real Chocolate Concentrate * * * Jack Beverages, Inc. * * * New York City."

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or other added deleterious ingredient, salicylic acid, which might have rendered it injurious to health.

On September 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

14364. Adulteration and misbranding of savin oil. U. S. v. Magnus, Mabee & Reynard. Tried to the court and a jury. Verdict of guilty. Fine, $400. (F. & D. No. 19248. I. S. No. 4611–v.)

On January 30, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Magnus, Mabee & Reynard, a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, on June 14, 1923, from the State of New York into the State of Ohio, of a quantity of savin oil which was adulterated and misbranded. The article was invoiced as oil savin.

Adulteration of the article was alleged in the information for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was sold as oil savin, whereas it was a product composed in large part of oil other than savin oil.

Misbranding was alleged for the reason that the article was composed in large part of oil other than savin oil prepared in imitation of savin oil and was offered for sale and sold under the name of another article, to wit, oil savin.

On May 18, 1925, the case came on for trial before the court and a jury. After the submission of evidence, arguments by counsel and instructions by the court, the jury retired and after due deliberation returned a verdict of guilty. The court thereupon imposed a fine of $400 against the defendant company.

W. M. Jardine, *Secretary of Agriculture.*

14365. Misbranding of Moorite mineral powder. U. S. v. 10½ Dozen Packages, et al., of Moorite Mineral Powder. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 20968. I. S. Nos. 799–x, 800–x. S. No. W–1929.)

On March 26, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10½ dozen 4-ounce packages and 11 dozen 1-pound packages of Moorite mineral powder, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Moorite Products Co., from Seattle, Wash., October 8, 1925, and transported from the State of Washington into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of clay.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding its curative and therapeutic effects borne on the carton containing the said article, "contains wonderful Healing Properties and when properly applied equals the best Medicinal Springs * * * Take * * * in any quantity the system may require * * * especially recommended for the treatment of Rheumatism, Neuralgia, Neuritis, Indigestion, Stomach Trouble, Kidney and Liver Trouble. Catarrh, Varicose Veins, Burns, Scalds, in fact all inflamed conditions * * * Purifies the Blood Aids Digestion Eliminates Bowel and Stomach Gases, Relieves Aches and Pains, Unequalled for Scalds and Burns," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On or about May 14, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

14366. Misbranding of fish meal. U. S. v. 100 Sacks of Fish Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19552. I. S. No. 10685–v. S. No. C–4627.)

On February 3, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 sacks of fish meal, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Potomac Poultry Food Co., from Baltimore, Md., October 10, 1924, and transported from the State of Maryland into the State of Minnesota, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Chesapeake Bay Brand Fish Meal. Guaranteed Analysis Protein (minimum) 57% Manufactured By J. H. Cottman and Company, Baltimore, Md."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis Protein (minimum) 57%," borne on the labels, was false and misleading and deceived and misled the purchaser.

On April 11, 1925, R. L. Gould & Co., St. Paul, Minn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $300, conditioned in part that it be relabeled and made to comply with the law.

W. M. Jardine, *Secretary of Agriculture.*

14367. Adulteration of tomato catsup. U. S. v. 430 Cases of Tomato Catsup. Consent decree of condemnation, forfeiture and destruction. (F. & D. No. 20764. I. S. No. 6975–x. S. No. E–5610.)

On January 11, 1926, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 430 cases of tomato catsup, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by W. E. Robinson & Co., Laurel, Delaware, on or about November 25, 1925, and transported from the State of Delaware into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Polo Catsup."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On May 25, 1926, the Davis Canning Co., Laurel, Del., having entered an appearance and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14368. (Supplement to Notice of Judgment No. 13528.) Misbranding of meat and bone scrap. U. S. v. 359 Bags of Meat and Bone Scrap. Consent decree of forfeiture. Product released under bond. (F. & D. No. 19981. I. S. No. 14114–v. S. No. E–5271.)

On January 14, 1926, an order of the court was entered, vacating the decree of destruction theretofore entered in the above case involving the shipment of 359 bags of misbranded meat and bone scrap, shipped by the Mutual Rendering Co., from the State of Pennsylvania into the State of New Jersey. On the same date, the Mutual Rendering Co., Inc., Philadelphia, Pa., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it not be sold or shipped unless relabeled in part: "Guaranteed Analysis Protein 42% Min., Grease 10% Min., Fibre 2% Max., B. P. L. 15% Max."

W. M. JARDINE, *Secretary of Agriculture.*

14369. Adulteration and misbranding of butter. U. S. v. 26 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21158. I. S. No. 8162–x. S. No. E–5742.)

On June 21, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 26 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Creamery, Garber, Iowa, on or about June 10, 1926, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 7, 1926, the Farmers Creamery Co., Garber, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree and to recondition the product so that it would contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,300, conditioned in part that it be reworked and reprocessed so that it would comply with the law.

W. M. JARDINE, *Secretary of Agriculture.*

14370. Misbranding of cottonseed meal and cottonseed cake. U. S. v. 303 Sacks of Cottonseed Meal, et al. Decrees entered adjudging products misbranded and ordering their release under bond. (F. & D. Nos. 20798, 20919. I. S. Nos. 365–x, 366–x, 431–x. S. Nos. W–1855, W–1915.)

On February 2 and March 11, 1926, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 478 sacks of cottonseed meal and 100 sacks of cottonseed cake, remaining in the original unbroken packages in part at Denver, Colo., and in part at Colorado Springs, Colo., consigned by the Quanah Cotton Oil Co., Quanah, Tex., alleging that the articles had been shipped from Quanah, Tex., in part on or about January 18, 1926, and in part on or about

February 12, 1926, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The cottonseed cake and a portion of the cottonseed meal were labeled in part: "Crude Protein not less than 43.00 Per Cent." The remainder of the cottonseed meal was labeled in part: "43% Protein Cottonseed Meal Prime Quality Manufactured by Quanah Cotton Oil Company Quanah, Texas Guaranteed Analysis Crude Protein not less than 43.00 Per Cent."

Misbranding of the articles was alleged in the libels for the reason that the statements "43% Protein" and "Crude Protein not less than 43.00 Per Cent," as the case might be, were false and misleading and deceived and misled the purchaser, since the said products did not contain 43 per cent of protein.

On March 11, and April 2, 1926, respectively, the Quanah Cotton Oil Co., Quanah, Tex., having appeared as claimant for the property, decrees were entered, finding the products mislabeled in violation of said act, and it was ordered by the court that the said products be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $1,550, conditioned in part that they not be sold or otherwise disposed of until relabeled to show the correct contents.

W. M. JARDINE, *Secretary of Agriculture.*

14371. Alleged adulteration of wheat middlings. U. S. v. 200 Sacks of Wheat Middlings. Tried to the court. Libel ordered dismissed. (F. & D. No. 12659. I. S. No. 24527-r. S. No. C-1943.)

On May 24, 1920, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 sacks of wheat middlings. On September 14, 1920, and March 19, 1923, respectively, amended libels were filed in the case. It was alleged in the libel as amended that the article had been shipped by the Ismert-Hincke Milling Co., from Kansas City, Kans., April 8, 1920, that it had been transported from the State of Kansas into the State of Michigan, and remained in the original sacks at Ann Arbor, Mich., and that it was adulterated in violation of the food and drugs act. The article was labeled in part: "A. B. C. Middlings Wheat Middlings with mill run ground screenings * * * Manufactured By The Ismert-Hincke Milling Co. Kansas City, Kansas, Topeka, Kansas."

Adulteration of the article was alleged in the libel for the reason that it had been mixed and powdered in a manner whereby inferiority was concealed.

On May 2, 1924, the Ismert-Hincke Milling Co., Kansas City, Kans., having appeared as claimant for the property, the case was submitted to the court on an agreed statement of facts together with depositions to prove the issues agreed upon. On May 20, 1926, judgment was entered for the said claimant as will more fully and at large appear from the following opinion of the court (Simons, *D. J.*):

"This is a libel filed by the Government against 200 sacks of middlings in statutory proceedings pursuant to section 10 of the food and drugs act (act of Congress of June 30, 1906, chapter 3915, 34 Statutes at Large, 771), for the seizure and confiscation of such middlings on the ground that they are adulterated within the meaning of section 7 of said act. The libel as originally filed alleged that said middlings, which were there referred to as 'alleged middlings,' were also misbranded within the meaning of section 8 of the act, but by amendment that charge was later withdrawn, and it is now conceded by the Government that the articles in question are in fact as they were labeled, middlings, as hereinafter more fully described. The sole statutory basis for the claim of adulteration advanced by the Government is that said middlings were mixed and powdered in a manner whereby * * * inferiority is concealed.

"After seizure of these middlings on the libel, the Ismert-Hincke Milling Co., a Kansas corporation, filed its intervening petition herein as claimant and its answer denying both the misbranding and the adulteration alleged. The case is now before the court for final decree upon the pleadings, an agreed statement of facts, and depositions taken in accordance therewith. The jurisdictional allegations of the libel, including that concerning the requisite interstate shipment of the products involved, are not disputed and have been proved. The food and drugs act, already cited, prohibits, by fine or imprisonment or both, the interstate shipment of any article used for food by man or other animals, which is adulterated within the meaning of the act. Section 10

authorizes confiscation of such adulterated food. Section 7 of the statute provides in part as follows:

"'For the purposes of this act an article shall be deemed to be adulterated:

"'In the case of food:

"'First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

"'Second. If any substance has been substituted wholly or in part for the article.

"'Third. If any valuable constituent of the article has been wholly or in part abstracted.

"'Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

"'Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of the act shall be construed as applying only when said products are ready for consumption.

"'Sixth. If it consist in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.'

"As already stated, the only charge made by the Government with respect to the middlings in question is that they are mixed and powdered in a manner whereby * * * inferiority is concealed. The agreed statement of facts is, in full, as follows:

"The United States of America by United States attorney for the Eastern District of Michigan, and Glen A. Wisdom, Kansas City, Mo., attorney for Ismert-Hincke Milling Company, claimant, hereby stipulate that the foregoing action be submitted to this honorable court on the following agreed statement of facts together with depositions to prove issues agreed upon herein:

"1. That 'Wheat middlings with mill run ground screenings not exceeding 8%' has been generally known as any one of the by-products of the milling of wheat flour, exclusive of bran, which resulted after the major flour-recovering processes and consisted of wheat offal which would pass through a screen having eighteen or more meshes per linear inch, to which was added ground mill-run screenings not exceeding 8%. An eighteen mesh screen will allow larger particles to go through than a twenty-two mesh. Middlings being ordinarily used as a hog feed, the quality and market value thereof is usually judged by its fineness of texture and lightness of color, which to the feeder are indicative of low fiber content and high feeding value. Therefore, the quality of middlings produced as above described was for all practical purposes dependent upon the fineness of mesh employed, since a finer mesh excluded more of the undesirable fibrous bran particles, and thus the remaining material contained a greater proportion of the desirable particles of the wheat berry known to be of high feeding value.

"2. That the aforesaid 200 sacks of alleged middlings seized in this action is one of the by-products of the milling of flour which results after the major flour-recovering processes and consists of wheat offal which was passed through a screen having eighteen meshes per linear inch, to which was added mill-run screenings not exceeding 8%. It is agreed that this product is wheat middlings with mill run ground screenings not exceeding 8%. This mixture is then passed through a grinder wherein it is pulverized. The composition, color, and texture of the resulting product is practically identical with a product manufactured by a process not including a grinder and wherein a screen of sufficiently finer mesh had been employed, except that it contains that additional amount of bran coat which would have passed through a screen having eighteen meshes per linear inch, and which would not have passed through a screen of finer mesh, the entire product having been reduced to fine particles by the grinder. Running the product through the grinder does not change the composition except to evaporate the moisture from one to two per cent, but does improve the color and texture.

"3. The libel contains the charge that the product seized in the foregoing action is mixed and powdered in a manner whereby inferiority is concealed. Therefore, the issue in this case is, whether the use of the grinder mixes and

powders the product in a manner whereby inferiority is concealed or whether it increases the feeding value to such an extent that the product is not inferior to a product of like appearance manufactured by a process without the grinder.

"As already observed, the single, decisive question here involved is the question of fact as to whether the process described in the stipulation of facts conceals any inferiority in the middlings thereby produced. After careful examination and consideration of the depositions and of the entire record, I am fully satisfied, and I find, that the question just stated must be answered in the negative. There is no necessity nor occasion for here reciting or reviewing the testimony in detail. It is sufficient to state that not only does such testimony fail to sustain the burden of the proof resting upon the Government in this regard, but that the record is affirmatively clear and convincing to the effect that the middlings produced by the process in question are, in appearance, texture, composition, digestibility, and in all other respects equal, if not superior, to middlings produced by any other known process; that said process reduces the moisture in such middlings and thereby increases their feeding value for the purposes for which they are intended; that said process produces a more finely ground product and thereby increases its digestible quality; and, in general, that the process complained of by the Government does not conceal, and is not in any way connected with or related to any inferiority in, or in respect to, such middlings.

"In accordance with the request of the Government, the foregoing views and conclusions may be treated as formal findings of fact and of law, respectively. No applicable decisions have been cited by either party nor discovered by the court in its independent search of the authorities. It is admitted by the Government that there are no such decisions. The single case cited by the claimant (Lexington Mill & Elevator Co. *vs.* U. S., 232 U. S. 399), while not fully in point, is at least more helpful to the claimant than to the Government.

"For the reasons stated the claimant is entitled to a decree dismissing the libel and such a decree will be entered."

W. M. JARDINE, *Secretary of Agriculture.*

14372. Adulteration and misbranding of rice bran. U. S. v. 200 Sacks of Rice Bran. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 21089. I. S. No. 7458-x. S. No. E-5719.)

On May 21, 1926, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 sacks of rice bran, remaining in the original unbroken packages at Douglasville, Ga., alleging that the article had been shipped by the Leona Rice Mills, from New Orleans, La., on or about March 1, 1926, and transported from the State of Louisiana into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Leona Rice Mill New Orleans, La. Rice Bran Guaranteed Analysis Protein 11.00 Per Cent. Fat 13.00 Per Cent. Fibre 9.97 Per Cent."

Adulteration of the article was alleged in the libel for the reason that a substance containing excessive rice hulls and excessive fiber, and deficient in protein and fat, had been mixed and packed therewith so as to reduce, lower and injuriously affect its quality and strength and had been substituted in part for said rice bran.

Misbranding was alleged for the reason that the statements "Rice Bran Guaranteed Analysis Protein 11.00 Per Cent. Fat 13.00 Per Cent. Fibre 9.97 Per Cent," borne on the label, were false and misleading and deceived and misled the purchaser, in that the product was deficient in protein and fat and did not contain 11.00 per cent of protein and did not contain 13.00 per cent of fat, and did contain more than 9.97 per cent of crude fiber, and did contain excessive crude fiber. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 25, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14373. Misbranding of Bowman's abortion remedy. U. S. v. 100 Boxes of Bowman's Abortion Remedy. Tried to the court. Judgment for the Government. Decree of condemnation and destruction entered. (F. & D. No. 20567. I. S. No. 9619–v. S. No. C–4855.)

On November 6, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 boxes of Bowman's abortion remedy, at Ravenna, Ohio, alleging that the article had been shipped by the Erick Bowman Remedy Co., Owatonna, Minn., on or about September 22, 1925, and transported from the State of Minnesota into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Bowman's Abortion Remedy. This Package contains one 9½ pounds treatment of Bowman's Abortion Remedy. Read the directions carefully before administering." A more complete description of the manner of labeling the product is hereinafter set forth in the opinion of the court.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of brown sugar and a ground wheat product.

It was alleged in the libel that the article was misbranded, in that the above quoted statements, regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or substance capable of producing the effect claimed.

On May 5, 1926, the Erick Bowman Remedy Co., Inc., Owatonna, Minn., having appeared as claimant for the property, the case came on for trial before the court. After the submission of evidence and arguments by counsel judgment was entered for the Government as will more fully and at large appear from the following opinion of the court (Jones, *D. J.*):

"The libel in this case is filed under act of Congress of June 30, 1906, known as the food and drugs act, against 100 boxes of Bowman's abortion remedy. The Erick Bowman Remedy Company, Inc., of Owatonna, Minn., has intervened as claimant and makes defense. Condemnation is sought on the ground that these boxes of Bowman's abortion remedy are misbranded, contrary to and in violation of section 8, paragraph 3 under drugs, of said food and drugs act. The jury being waived by written stipulation of the parties, the case was tried to the court.

"A motion for continuance of this case was filed by claimant on the day of trial. This motion was overruled. Further motion was made by the claimant for leave to withdraw the intervening petition, and to permit a default decree to be entered. On representation of the United States attorney that the Government was ready for trial and had procured a number of witnesses from different parts of the country at considerable expense, and that the Department of Agriculture was particularly desirous of having this case heard on its merits, this motion was also overruled. The claimant raised two principal questions during the trial and at the close of the Government's case. First, that there was no misbranding within the meaning of the act; second, that the so-called Bowman's abortion remedy, sought to be condemned, was not a false and fraudulent substance, under section 3 in the case of drugs.

"The portion of the act which defines misbranding is as follows:

"'The term "misbranded" as used herein shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

"'That for the purposes of this act an article shall also be deemed to be misbranded:

"'In case of drugs:

"'Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent.'

"Claimant admitted the allegation as to interstate shipment at the outset of the case, and no evidence was adduced on this point.

"The Government introduced a number of exhibits taken from the shipment in question. The boxes or cartons containing the Bowman's abortion

remedy contained two individual paste board packages each. These individual paste board packages were wrapped in light yellow paper. Three sides were pasted to the package, and the fourth side was not pasted. Under this side, which would of necessity be torn open by the consumer, appear the directions for the use of the so-called Bowman's abortion remedy. Under the flap at the top appeared the printed statement 'Bowmans Abortion Remedy. This package contains one 9½ pounds treatment of Bowman's Abortion Remedy. Read the directions carefully before administering.' A copy of a pamphlet sent out by the Bowman Company to the dealer in this case, was also introduced. This pamphlet was designated as 'Bowman's Bulletin,' and was a form of collateral advertising matter sent interstate to agents or customers by the Bowman Remedy Company. In this pamphlet the statement was made that the directions for use of the remedy would be found inside the package. On this evidence the court finds that the printing and labeling are a branding within the meaning of the act, which reads 'If the package or label shall bear or contain any statement, etc.' The effort to conceal the label by wrapping in light yellow paper is clearly and patently an effort to circumvent the law. It is in the opinion of the court a subterfuge. If anything, it is evidence to be considered in connection with the latter portion of paragraph 3, section 8 of the act, to wit, that it is 'false and fraudulent.'

"Any product of this nature, which is in truth a remedy for contagious abortion in cattle, would not have to be concealed and shipped in secret.

"The remedy itself has to do with what is known as contagious abortion in cattle. This is a serious disease, one which live stock dealers and veterinarians have been contending with for a long period of time. The disease is caused by infection in cattle by microorganisms. It is highly contagious, and may be transmitted in a number of ways. The germ apparently attacks the uterus at a point where nourishment passes to the fetus, with the result that this portion of the anatomy is destroyed. When the passage of food to the unborn calf is stopped, the fetus dies, and is thereupon expulsed, as a natural process of nature. Specimens and exhibits clearly indicating this process were exhibited by the Government. It was shown that no remedy, medicine or drug taken by the cow in the ordinary manner into the stomach could in any possible way reach the source of the trouble, or have any effect upon the germ. This fact was testified to by any number of specialists and veterinarians.

"The analysis of the so-called abortion remedy indicates that it is composed of 85 per cent brown sugar and 15 per cent wheat. No trace of any chemical or drugs was found in the remedy. No evidence was introduced by the claimant controverting this testimony. The Government experts were of the unanimous opinion that no possible combination of these two substances would have any effect upon the disease. It must therefore be concluded that the remedy is false and fraudulent, and is a pure deception upon the farmer. Expert testimony was introduced by the Government to the effect that a number of tests had been made on Government owned cattle. All indicate clearly and conclusively that Bowman's abortion remedy neither prevented the disease, cured it after inception, or in any manner retarded its effect. Germs of the disease placed in a strong solution of Bowman's abortion remedy, thrived, prospered and multiplied without any check whatsoever.

"The subject of misbranding is treated by the following authorities:

"U. S. *vs.* 95 Barrels Apple Cider Vinegar, 265 U. S. 438.

"U. S. *vs.* Oil of Wintergreen, 268 Fed. 866.

"U. S. *vs.* Hog Food, 276 Fed. 34.

"U. S. *vs.* Tea & Spice Co., 286 Fed. 475 (6 C. C. A.).

"Goodwin *vs.* U. S. (6 C. C. A.) 2 Fed. (2nd) 200.

"Judgment of condemnation will be entered with costs against claimant."

A decrée of the court was thereupon entered, condemning the product and ordering its destruction by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14374. Misbranding of butter. U. S. v. 11 Cases and 9 Cases of Butter. Decree entered, adjudging the product misbranded and ordering its release under bond. (F. & D. No. 19922. I. S. Nos. 9759–v, 9760–v. S. No. C–4676.)

On February 27, 1925, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 cases of butter, at Mobile, Ala., alleging that the article

had been shipped by the Meriden Creamery Co., from Kansas City, Mo., February 9, 1925, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Case) "Meadow Cream Quarters * * * From the Meriden Cry. Co. * * * Kansas City, Missouri." The remainder of the said article was labeled in part: (Case) "Prairie Rose Butter The Meriden Creamery Co., Kansas City, Mo."

Misbranding of the article was alleged in substance in the libel for the reason that the cartons containing the respective lots of the said article bore the following statements, "Meadow Cream Registered Brand Pure Creamery Butter One Pound Net" and "Prairie Rose Creamery Butter One Pound Net Weight The Meriden Creamery Co., Kansas City, U. S. A.," which said statements represented the net weight of the butter contents of each carton to be 1 pound, and which said representation was false and misleading and deceived the purchaser, in that the net weight of the butter contained in the said cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the carton.

On May 16, 1925, the Haas Davis Packing Co., Mobile, Ala., having appeared as claimant for the property, a decree of the court was entered, adjudging the product to be misbranded, and it was ordered by the court that the said product be released to the claimant upon the execution of a good and sufficient bond, conditioned in part that it be returned to the Meriden Creamery Co., Kansas City, Mo., to be repacked in conformity with the law.

W. M. Jardine, *Secretary of Agriculture.*

14375. Misbranding of butter. U. S. v. George Freese's Sons Co. Plea of guilty. Fine, $25. (F. & D. No. 19289. I. S. Nos. 2378–v, 2379–v.)

On March 9, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the George Freese's Sons Co., a corporation Fostoria, Ohio, alleging shipment by said company, in violation of the food and drugs act as amended, on or about January 8, 1924, from the State of Ohio into the State of Pennsylvania, of a quantity of butter which was misbranded. The article was labeled in part: "One Pound."

Examination by the Bureau of Chemistry of this department of 300 cartons from the shipment showed an average net weight of 15.5 ounces.

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "One Pound," borne on the packages containing the said article, was false and misleading, in that the said statement represented that the packages each contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound of butter, whereas the packages did not each contain 1 pound of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 24, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

W. M. Jardine, *Secretary of Agriculture.*

14376. Adulteration of shell eggs. U. S. v. Ella E. Bryan, James A. McHenry, Cecile E. Bryan, Mabel B. Berry, Leta M. Bryan, George A. Bryan, Walter J. Bryan and Raymond F. Bryan (McHenry & Bryan). Pleas of guilty. Fine, $50 and costs. (F. & D. No. 19707. I. S. Nos. 6319–v, 6320–v.)

On December 23, 1925, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ella E. Bryan, James A. McHenry, Cecile E. Bryan, Mabel B. Berry, Leta M. Bryan, George A. Bryan, Walter J. Bryan and Raymond F. Bryan, copartners, trading as McHenry & Bryan, Fayetteville, Ark., alleging shipment by said defendants, in violation of the food and drugs act, on or about June 12, 1925, from the State of Arkansas into the State of Missouri, of quantities of shell eggs which were adulterated. The article was labeled in part: "Checks From McHenry & Bryan, Fayetteville, Ark." or "Checks J. McHenry & Bryan * * * From Rogers, Ark."

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On January 4, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14377. Adulteration and misbranding of canned oysters. U. S. v. 37 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20195. I. S. No. 22378–v. S. No. C–4772.)

On July 10, 1925, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 37 cases of oysters, remaining in the original unbroken packages at Paris, Tex., alleging that the article had been shipped by the C. B. Foster Packing Co., Inc., from Biloxi, Miss., January 26, 1925, and transported from the State of Mississippi into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Miss-Lou Brand Oysters Contents 5 Oz. Mays Food Products, Inc. Packers And Distributors New Orleans, La."

Adulteration of the article was alleged in the libel for the reason that brine had been mixed and packed therewith so as to reduce, lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Mays Food Products, Inc., Packers And Distributors Contents 5 Oz.," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 19, 1925, the C. B. Foster Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act. It was further ordered by the court that the product be relabeled in accordance with the law.

W. M. JARDINE, *Secretary of Agriculture.*

14378. Adulteration and misbranding of canned oysters. U. S. v. 25 Cases of Canned Oysters. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 21004. I. S. No. 4077–x. S. No. C–5066.)

On April 5, 1926, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 cases of canned oysters, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the E. C. Joullian Packing Co., Lakeshore, Miss., on or about January 7, 1926, and transported from the State of Mississippi into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Biloxi Brand Oysters Net Weight Contents 5 Oz. Packed By E. C. Joullian Packing Co. Lake Shore, Miss."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Net Weight Contents 5 Oz.," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 31, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14379. Misbranding of butter. U. S. v. 28 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20978. I. S. No. 4076–x. S. No. C–4994.)

On February 27, 1926, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Lexington Co-operative Creamery, Lexington, Miss., on or about February 16, 1926, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Mississippi State Brand Butter This butter is manufactured by the Mississippi Creameries Co-operative Association * * * This Package contains 16 ounces net weight when packed."

Misbranding of the article was alleged in the libel for the reason that the statement "16 ounces net weight," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the contents of the said cartons actually weighed less than indicated on the label.

On March 23, 1926, the Lexington Co-operative Creamery, Lexington, Miss., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, conditioned in part that it be reconditioned to meet the requirements of the law, and not used, sold or disposed of until inspected by a representative of this department.

W. M. Jardine, *Secretary of Agriculture.*

14380. Misbranding of cottonseed meal. U. S. v. 30 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 18790. I. S. No. 22260–v. S. No. E–4868.)

On June 17, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 sacks of cottonseed meal, remaining in the original unbroken packages at Walkersville, Md., alleging that the article had been shipped by F. W. Brode Corp., from Shelby, Miss., and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Owl Brand 41% Prime Cotton Seed Meal * * * Protein (Min.) 41.00% * * * Nitrogen (Min.) 6.56% * * * Manufactured for F. W. Brode Corporation Memphis, Tenn."

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Guaranteed Analysis * * * 41% Prime Cotton Seed Meal * * * Protein (Min.) 41.00% * * * Nitrogen (Min.) 6.56%," borne on the label, were false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained 41 per cent of protein, whereas it contained a less amount.

On December 17, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

14381. Adulteration of canned salmon. U. S. v. John Klaeboe. Plea of guilty. Fine, $50 and costs. (F. & D. No. 19751. I. S. No. 2003–x.)

On June 21, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Klaeboe, Seattle, Wash., alleging shipment by said defendant, in violation of the food and drugs act, on or about January 31, 1925, from the State of Washington into the State of Kentucky, of a quantity of canned salmon which was adulterated. The article was labeled in part: (Can) "Petco Brand * * * Select Pink Salmon."

Examination by the Bureau of Chemistry of this department of 96 cans from the shipment showed that 32 cans, or 33 per cent, contained putrid, tainted or stale fish.

Adulteration of the article was alleged in the information for the reason that it consisted in whole and in part of a filthy, decomposed and putrid animal substance.

On June 21, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14382. Misbranding of salad oil. U. S. v. 12 Cartons of Salad Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20554. I. S. No. 6952–x. S. No. E–5530.)

On November 6, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 cartons of salad oil, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the Reliable Importing Co., New York, N. Y., on or about September 5, 1925, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "Six—1 Gallon Cans," (can) "Contadina Brand Superior Quality Pure Vegetable Salad Oil * * * 0.98 Of One Gallon Or 7½ Lbs. Net."

Misbranding of the article was alleged in the libel for the reason that the labels on the cans, to wit, "0.98 Of One Gallon Or 7½ Lbs. Net," and on the case, to wit, "Six—1 Gallon Cans," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were not correct.

On June 2, 1926, the Reliable Importing Co., Inc., New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $150, conditioned in part that it be recanned under the supervision of this department, so that the labels show the true volume, to wit, 1 full gallon.

W. M. JARDINE, *Secretary of Agriculture.*

14383. Misbranding of olive oil. U. S. v. 36 Cans of Olive Oil. Decree of condemnation and forfeiture entered. Product released under bond to be destroyed. (F. & D. No. 20177. I. S. No. 24956–v. S. No. E–5316.)

On May 29, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 cans of olive oil, remaining in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped by the Elysee Olive Oil Co., New York, N. Y., on or about March 14, 1925, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sena Brand Pure Virgin Imported Olive Oil * * * Contents Half Gallon Net."

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the said cans bore the following statements, designs and devices, "Contents Half Gallon Net," "Samuel Sena * * * Waterbury, Conn.," which were intended to induce the purchaser to believe that the cans contained ½ gallon of the product, when, in truth and in fact, they did not. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 31, 1925, the Elysee Olive Oil Co., Inc., New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned in part that upon receipt of the product at New York, N. Y., the claimant destroy it in the presence of a representative of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14384. Adulteration and misbranding of vanilla extract. U. S. v. 26 Dozen Bottles of Vanilla Extract. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 20105. I. S. No. 24957–v. S. No. E–5321.)

On June 12, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 dozen bottles of vanilla extract, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the Fulton Mfg. Co., New York, N. Y., on or about April 3, 1925, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton and bottle) "Fulton Brand Pure Vanilla Extract Purity And Quality Fulton Manufacturing Co. New York Contents 6 Drams," (bottle only) "Alcohol About 42%."

Adulteration of the article was alleged in the libel for the reason that a substance, a substandard vanilla extract, mixed and colored in a manner whereby damage and inferiority were concealed, had been substituted in part for the said article, and had been mixed and packed therewith so as to reduce, lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements borne on the labels, to wit, "Pure Vanilla Extract Contents 6 Drams Purity And Quality," were false and misleading and deceived and misled the purchaser, for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct, and for the further reason that it was sold under the distinctive name of another article.

On February 20, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

14385. Adulteration of canned sardines. U. S. v. 20 Cases of Sardines. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 20421. I. S. No. 6860–x. S. No. E–5492.)

On September 9, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 cases of sardines, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the Maine Cooperative Sardine Co., Lubec, Me., on or about August 4, 1925, and transported from the State of Maine into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Eagle Brand American Sardines * * * Packed By North Lubec Manufacturing & Canning Co., Factories—North Lubec, and Stonington, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed and putrid animal substance.

On February 20, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

14386. Adulteration of shell eggs. U. S. v. 8 Crates of Shell Eggs. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 21130. I. S. No. 8209–x. S. No. E–5767.)

On May 21, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 crates of shell eggs, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by the Coshocton Co. Creamery Co., from Coshocton, Ohio, on or about May 10, 1926, and transported from the State of Ohio into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Coshocton Co. Creamery Co., Coshocton, Ohio."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of decomposed eggs.

On June 17, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14387. Adulteration of shell eggs. U. S. v. 9 Crates and 8 Crates of Shell Eggs. Default decrees of condemnation, forfeiture and destruction. (F. & D. Nos. 21128, 21129. I. S. Nos. 8207–x, 8208–x. S. Nos. E–5765, E–5766.)

On May 19, 1926, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 17 crates of shell eggs, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by Kerlin's Grand View Poultry Farm, from Center Hall, Pa., in part on or about May 14, 1926, and in part on or about May 17, 1926, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Kerlin's Grand View Poultry Farm, Center Hall, Pa."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of decomposed eggs.

On June 17, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14388. Misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21082. I. S. No. 704–x. S. No. W–1969.)

On or about April 24, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 cases, each containing 60 pounds, of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that on or about April 23, 1926, the article had been delivered for shipment in interstate commerce from the State of California to the Territory of Hawaii, by the E. L. Thomson Co. Inc., Los Angeles, Calif., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Pasteurized Clover Glen Brand Butter E. L. Thomson Co. Inc. Net Weight 16 Oz."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Weight 16 Oz.," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was not correct.

On May 5, 1926, the E. L. Thomson Co., Inc., Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $125, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

W. M. JARDINE, *Secretary of Agriculture.*

14389. Adulteration of ether. U. S. v. 794 Cans, et al., of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21033. I. S. Nos. 8353–x to 8356–x, incl. S. No. E–5723.)

On April 26, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2,184 cans of ether, remaining unsold in the original cans, at New York, N. Y., alleging that the article had been shipped by Powers-Weightman-Rosengarten Co., from Philadelphia, Pa., in various consignments, January 28, March 10 and 15, and April 1, 1926, respectively, and transported from the State of Pennsylvania into the State of New York, and charging

adulteration in violation of the food and drugs act. The article was labeled in part: "Quarter Pound" (or "Half Pound") "Ether U. S. P. For Anaesthesia."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it failed to comply with the pharmacopœial requirements for freedom from peroxide, aldehyde and foreign odor.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of quality and purity as determined by the tests laid down in the said pharmacopœia, and for the further reason that its purity fell below the professed standard or quality under which it was sold.

On June 22, 1926, the Powers-Weightman-Rosengarten Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $450, conditioned in part that it be delivered to the factory of the claimant for salvaging, or relabeling for technical purposes.

W. M. Jardine, *Secretary of Agriculture.*

14390. Adulteration of walnut meats. U. S. v. 50 Cases of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21023. I. S. No. 695–x. S. No. E–3272.)

On or about April 29, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of walnut meats, remaining unsold at Hoboken, N. J., alleging that the article had been shipped by Leon Mayer, Los Angeles, Calif., on or about March 30, 1926, and transported from the State of California into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mayers Brand Packed By Leon Mayer California Nut Products * * * Los Angeles."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On June 21, 1926, the California Walnut Growers' Assoc., a California corporation, having appeared as claimant for the property and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $700, conditioned in part that it be cleaned, sorted, and reconditioned to comply with the law, and the bad portion destroyed or denatured.

W. M. Jardine, *Secretary of Agriculture.*

14391. Misbranding of butter. U. S. v. 600 One-Pound Cartons of Butter. Product adjudged misbranded and ordered released. (F. & D. No. 20977. I. S. No. 639–x. S. No. W–1852.)

On or about February 8, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 600 one-pound cartons of butter, remaining in the original unbroken packages at Los Angeles, Calif., consigned from Wilmington, Calif., to Honolulu, T. H., and returned to Los Angeles, Calif., alleging that the article had been shipped via the Los Angeles Steamship Co., from Wilmington, Calif., on or about January 16, 1926, and that it had been shipped in interstate commerce from the State of California into the Territory of Hawaii, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Pasteurized Clover Glen Brand Sweet Cream Butter * * * Net Weight 16 Oz. Distributed by E. L. Thomson Co., Inc., Los Angeles."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Weight 16 Oz.," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 1, 1926, the E. L. Thomson Co., Inc., Los Angeles, Calif., having appeared as claimant for the property, a decree was entered, adjudging the product misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings, and that the bond theretofore executed be exonerated.

W. M. JARDINE, *Secretary of Agriculture.*

14392. Misbranding of cottonseed meal and cake. U. S. v. 200 Sacks of Cottonseed Meal and 100 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20953. I. S. Nos. 444–x, 445–x. S. No. W–1923.)

On or about March 20, 1926, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 sacks of cottonseed meal and 100 sacks of cottonseed cake, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Childress Cotton Oil Co., Childress, Tex., alleging that the article had been shipped from Childress, Tex., on or about March 3, 1926, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "'Chickasha Prime' Cottonseed Cake or Meal * * * Guaranteed Analysis: Protein not less than 43 per cent * * * Chickasha Cotton Oil Co., Kansas City, Mo."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein not less than 43 per cent," borne on the labels, was false and misleading and deceived and misled the purchaser, since it did not contain 43 per cent of protein.

On May 21, 1926, the Childress Cotton Oil Co., Childress, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $800, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

14393. Misbranding of Mecca compound. U. S. v. 5 Dozen Packages of Mecca Compound. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 20879. I. S. No. 4494–x. S. No. C–4957.)

On February 19, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on February 24, 1926, an amended libel praying seizure and condemnation of 5 dozen packages of Mecca compound, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Foster-Dack Co., Chicago, Ill., in part on or about October 25, 1925, and in part on or about December 3, 1925, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Box label) "Healing * * * for all kinds of Sores and inflammation given quick relief and aiding nature to make speedy cures * * * for * * * Barber's Itch, Eczema, Erysipelas, Hives, Salt Rheum * * * Blood Poison, Boils, Diphtheritic Sore Throat, Pneumonia and all kinds of inflammation," (carton) "Healing," (circular) "Directions for Using Mecca Compound * * * For Burned and Scalded surfaces, apply the Mecca * * * the immediate result will be cessation of pain and inflammation and no further blistering. Minor burns heal quickly and serious burns heal in a few weeks, free from scars and blemishes. No scars from burns ever appear where Mecca is properly used. For Frosted or Frozen parts apply the same as to a burned surface, applying when possible, before the frost is withdrawn, for if so applied restoration will follow immediately. *, * * for all kinds of hurts. Its use prevents soreness and inflammation and hastens a cure. In serious cases such as * * * Felons, Boils and Carbuncles apply by poulticing * * * Nothing equals Mecca for relieving Pain and for removing soreness. Any sore, recent or of long standing, may be cured by its use, practically applied. For Erysipelas, Gangrene, Scarlet Fever, Chicken Pox, Small Pox and All Eruptive Diseases. For Erysipelas and Gangrene, poultice freely all the parts affected and if the case be severe let the poultice be applied fully half inch thick, but if mild, less will do. For Scarlet Fever, apply to all the

eruptive parts by rubbing, and poultice the throat freely until relieved from soreness. For Chicken Pox, apply the Compound freely to all the irritated parts, with moderate rubbing. If Small Pox apply, both by rubbing and poulticing. Rub the patient with the Compound where there are aches and pains, and poultice freely where there is much soreness. It prevents all Itching, and Pitting, reduces the fever, strengthens the patient, and hastens recovery. For Sore Throat, Lung Trouble, Inflammation Of The Bowels, Appendicitis, and Rheumatism. For Sore Throat apply * * * thickly over the front of the throat * * * For Lung trouble, Pneumonia, soreness of the chest and lungs, apply * * * by poultice * * * if the case be severe * * * if mild apply once or twice a day by rubbing * * * For inflammation of the bowels, and Appendicitis, spread a thick poultice * * * apply over the seat of pain. It is best to keep the poultice on for some time after relief is obtained. For Rheumatism and sundry pains, apply by rubbing, if severe, by poulticing. Its continued use, even in most stubborn cases, will result in a cure," (testimonials) "I * * * have seen many men badly burned * * * nothing I ever saw or heard of compares with the wonderful work of Mecca Compound, so quickly and so fully does it relieve the sufferer from all pain and so quickly does nature restore under its use. * * * X-Ray Burn Cured. I suffered many months from an X-ray burn * * * It developed into a running sore, which the doctors were unable to heal * * * Mecca Compound * * * relieved the pain and soreness and made a complete cure. * * * when burned with the electric current. In no instance have we found it to fail in giving immediate relief," (circular) "If every home * * * would keep * * * Mecca Compound ready for immediate application in * * * Severe Burns and Scalds, bad Bruises, Blood Poison, Fevers and all kinds of inflammation, many lives would be saved and a vast amount of suffering avoided. Applied * * * to a burned or scalded surface, pain ceases, blistering is prevented and inflammation is held in check while nature soon restores. * * * We firmly believe, if a burned or scalded patient lives two days under common treatment and then expires, that had Mecca Compound been immediately applied, in nearly every case, life would have been saved. We advise the head of every family to at once provide for its safety * * * has saved lives and much suffering * * * A wise man will provide in time. Insure Protection for your Family by providing means of escape should a severe accident occur, such as is of daily occurrence. The clippings below * * * illustrate constant danger and the need of immediate efficient aid. We firmly believe had Mecca Compound been immediately applied in sufficient quantity all of those, here mentioned, would have been saved. Note well the case of Mr. Mead of Council Bluffs, Iowa, how prompt application saved his life. A Mr. Mead of Council Bluffs, Iowa, was terribly burned by an explosion of gasoline. In less than ten minutes one third of his body had blistered while the whole body, except the head and feet, seemed ready to break forth * * * had a good supply of Mecca Compound * * * covering him half an inch thick. * * * in five weeks he was back to his shop, without a scar or blemish. In this case 30 minutes' delay meant death in a few hours. * * * Clippings from The Chicago Daily Tribune * * * died * * * of scalds * * * died * * * of burns," (strip) "A Triumph of Modern Chemistry * * * It Controls Pain to a Wonderful Degree and renders such valuable aid to Nature as to make recovery, in many cases, seem miraculous * * * if Burn is deep apply * * * as a poultice * * * for best results * * * In Pneumonia it renders to Nature most valuable assistance in controlling fever and affording relief to the patient * * * Sores, Salt Rheum, Erysipelas, Carbuncles, Boils, Felons, Frozen Part * * * Rheumatism, Sprains * * * Sore Feet, Eczema, Hives and nearly all kinds of inflammation."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it was composed essentially of fat, petrolatum, and zinc oxide, with traces of menthol and thymol.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 13, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

14394. Misbranding of cottonseed meal. U. S. v. 82 Sacks of Cottonseed meal. Decree entered, adjudging product misbranded and ordering its release under bond. (F. & D. No. 20799. I. S. No. 367–x. S. No. W–1856.)

On February 2, 1926, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 82 sacks of cottonseed meal, consigned by the Vernon Cotton Oil Co., Vernon, Tex., alleging that the article had been shipped from Vernon, Tex., on or about December 29, 1925, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Crude Protein not less than 43.00 Per Cent."

Misbranding of the article was alleged in the libel for the reason that the statement "Crude Protein not less than 43.00 Per Cent," borne on the label, was false and misleading and deceived and misled the purchaser, since the article did not contain 43 per cent of crude protein.

On March 11, 1926, the Vernon Cotton Oil Co., Vernon, Tex., having appeared as claimant for the property, a decree was entered, finding the product mislabeled in violation of the said act, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $346.40, conditioned in part that it not be sold or disposed of until relabeled to show the correct contents.

W. M. JARDINE, *Secretary of Agriculture.*

14395. Misbranding of Womanette. U. S. v. 6 Dozen Bottles of Womanette. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 20682. I. S. No. 9501–x. S. No. C–4889.)

On December 3, 1925, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 dozen bottles of Womanette, at Memphis, Tenn., alleging that the article had been shipped by the Capital Remedy Co., from Jackson, Miss., on or about October 28, 1925, and transported from the State of Mississippi into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle and carton label) "Womanette * * * A Health, Strength and Beauty-Builder * * * Emphatically the Woman's Friend, there being no condition to which the peculiarities of her sex render her liable in which this medicine may not be taken with every assurance that it will prove beneficial. Its medical properties are * * * Nervine. Its tendency is to * * * equalize the circulation. These are the grand indications necessary to relieve engorgements, unlock the secretions, ease pain, quiet nervousness and cure disease. Its tendency to throw the system upon its proper equilibrium is why it checks a too free or unnatural discharge, or restores it when suppressed contrary to nature," (bottle label) "A Remedy for the Treatment of Diseases Peculiar to the Female Sex. Irregular, Obstructed and Painful Menstruation. Vaginal and Uterine Lucorrhoea or Whites, Inflammation and Ulceration of the Neck or Body of the Womb, Inflammation of the Ovaries and Tubes, Habitual Miscarriage, Prolapsus, Nervousness, etc. * * * The pregnant may use it as well as the maiden or those having a change of life. Ladies who have once used it during pregnancy are not again willing to be without it. Besides preventing Cramps, Pains, Fretfulness, etc., the system is so well prepared for the Confinement that a case of difficult, tedious and dangerous Labor has never been known to occur when a few bottles have been used during the last months of pregnancy. * * * To derive the greatest benefit from its use, take a dose of proper size * * * For Acute Pain—Pain in the Ovaries—Menstrual Cramp, Headaches, etc., take a dose * * * for a few doses until pain is relieved," (carton) "A * * * Treatment for Diseases Peculiar to the Female Sex. * * * It has proven of unsurpassed value in the treatment of irregular, Obstructed and Painful Menstruation. Vaginal and Uterine Lucorrhoea or Whites, Inflammation and Ulceration of the Neck or Body of the Womb. Inflammation of the Ovaries and Tubes, Habitual Miscarriage, Prolapsus, Nervousness, etc.," (circular) "Womanette 'Beauty Is More Than Skin Deep' Few ladies realize how seriously their general health affects their Appearance, their complexion, the Texture of the Skin, their Eyes, Hair and even their Youthful Buoyancy, Vitality and Animation. The effects of Womanette in

these respects is proving a revelation and a pleasant surprise to hundreds of women and girls. You can profit by it also, perhaps to a wonderful degree. In fact, in your case as well as in many others, your health may be the only thing that is preventing real beauty. Health is Nature's Beauty-Maker. * * * Combined with some quick acting sedative, it will prevent threatened abortion. For Acute Pain, Headache, Menstrual Cramp, Neuralgia of the Womb or Severe Pain in the Ovaries, Etc., take * * * a few doses until pain is relieved, then one dose three times a day until the cause of the trouble has been removed. For Severe Headache, we have often seen a single dose * * * relieve almost instantly. If the headache is from a nervous trouble, or from overwork, dissipation or worry, Womanette will quickly relieve it. Take A Dose At Bedtime if not accustomed to rest well. * * * a dose at night if sleepless, restless or nervous * * * always gave * * * prompt relief * * * We have seen it given * * * with perfect results to a child * * * which had a discharge similar to leucorrhoea, brought on by a fall * * * Womanette is usually, in fact almost always, a quick relief for annoying symptoms of an acute nature such as pain, etc. * * * Womanette puts the forces of nature to work, assisting the natural processes, and being entirely corrective in its effect, it goes directly to the seat of the trouble. Therefore it is sometimes necessary to continue its use, even in acute cases, until the trouble can be brought under control. It must be remembered that Womanette is often called upon to handle cases which have lost all hope of getting well and in which the skill of the best physicians and the best there is in science for the treatment of disease have failed. Chronic, much run down conditions require that Womanette must be given with confidence and persistence. To Get The Best Results the directions should be followed carefully and the treatment persisted in until permanent results are obtained. It is entirely possible for one to half take Womanette and only get half the benefit from it, or to take half enough and only get half well. * * * Simply persist in its use until permanent results have been achieved. We have never known a failure when the medicine was continued long enough * * * Often the most prominent symptoms may be the last to disappear. Irregularities, leucorrhoea, Pain, Etc., are only symptoms of disease, not the disease itself, and only improve as the disease improves. Chronic Inflammation, Swellings, Morbid Growths on Womb or Ovaries, etc., sometimes require continued treatment for some time, and while you can not see the results with your eyes, the healing process is going on all the time you are taking Womanette."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained potassium bromide, extracts from plant drugs including sassafras, sugar, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the statements borne on the bottles and cartons and in the accompanying circulars, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the declaration of 14 per cent alcohol on the label was false and misleading, since an analysis showed the alcohol content to be 9.1 per cent.

On June 28, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14396. Adulteration and alleged misbranding of canned oysters. U. S. v. 48½ Cases of Oysters. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 20012. I. S. No. 19869–v. S. No. C–4715.)

On April 16, 1925, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 48½ cases of oysters, remaining in the original unbroken packages at Vincennes, Ind., alleging that the article had been shipped by the Pelican Packing Co., from Jackson, Miss., January 3, 1925, and transported from the State of Mississippi into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Dinner Bell Brand Fancy Selected Oysters, Net Contents 5 Ozs. Packed By Pelican Packing Co. Incorporated Gulfport, Miss.," (case) "Dinner Bell Brand 5 Oz. Oysters."

Adulteration of the article was alleged in the libel for the reason that a substance, an excessive amount of brine or water, had been mixed and packed therewith so as to reduce, lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged in that the designations "5 Oz." and "5 Ozs.," borne on the labels, were false and misleading and deceived the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the cases and cans, in that the quantity stated thereon was not correct.

On October 5, 1925, no claimant having appeared for the property, a decree was entered, adjudging the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14397. Adulteration of tomato paste. U. S. v. 4 Cases of Tomato Paste. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 19877. I. S. No. 13581–v. S. No. E–5165.)

On March 11, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 cases of tomato paste, remaining in the original unbroken packages at Derby, Conn., alleging that the article had been shipped by Ernest Tomaini, Eatontown, N. J., on or about October 25, 1924, and transported from the State of New Jersey into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Fabrica Di Conserve Alimentari Tomaini & Tomaini Tomato Sauce Co. Naples Style-Eatontown, N. J."

Adulteration of the article was alleged in the libel for the reason that it contained partially rotten tomatoes so as to reduce and lower and injuriously affect its quality and strength and for the further reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On June 19, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14398. Misbranding of feeds. U. S. v. Acme-Evans Co. Plea of guilty. Fine, $200. (F. & D. No. 19752. I. S. Nos. 19865–v, 21887–v.)

On May 22, 1926, the Grand Jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against the Acme-Evans Co., a corporation, Indianapolis, Ind., charging shipment by said company, in violation of the food and drugs act, on or about September 27, 1924, from the State of Indiana into the State of Ohio, and on or about February 10, 1925, from the State of Indiana into the State of Kentucky, of quantities of feeds which were misbranded. The articles were labeled, respectively, in part: "Acme Egg Mash Guaranteed Analysis Minimum Protein 20% * * * Ingredients * * * Alfalfa Meal * * * Sole Manufacturers Acme-Evans Co. Indianapolis, Ind." and "Producer Chop Made By Acme-Evans Co., Indianapolis, Ind. Guaranteed Analysis Protein 8.00 Per Cent Fat 2.50 Per Cent Fiber 15.00 Per Cent."

Examination by the Bureau of Chemistry of this department of a sample of the Acme egg mash showed 18.8 per cent protein and no alfalfa meal; examination of a sample of the Producer chop showed 6.38 per cent protein, 2.09 per cent fat, and 16.14 per cent fiber.

Misbranding of the Acme egg mash was alleged in the indictment for the reason that the statements, to wit, "Guaranteed Analysis Minimum Protein 20%," and "Alfalfa Meal," borne on the labels, were false and misleading, in that they represented that the article contained not less than 20 per cent of protein, and that it contained alfalfa meal, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 20 per cent of protein and that it contained alfalfa meal, whereas the said article contained less than 20 per cent of protein and contained no alfalfa meal.

Misbranding of the Producer chop was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 8.00 Per Cent Fat 2.50 Per Cent Fiber 15.00 Per Cent," borne on the labels, were false and misleading, in that the said statements represented that the article contained 8 per cent of protein, 2.50 per cent of fat and 15 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 8 per cent of protein, 2.50 per cent of fat and 15 per cent of fiber, whereas it contained less than 8 per cent of protein, less than 2.50 per cent of fat, and more than 15 per cent of fiber.

On June 1, 1926, a plea of guilty to the indictment was entered on behalf of the defendant company, and the court imposed a fine of $200.

W. M. JARDINE, *Secretary of Agriculture.*

14399. Adulteration of scallops. U. S. v. Lee Mears. Tried to the court and a jury. Verdict of guilty. Fine, $150. (F. & D. No. 19749. I. S. No. 4890–x.)

On March 22, 1926, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lee Mears, Oyster, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about December 18, 1925, from the State of Virginia into the State of Maryland, of a quantity of scallops which were adulterated.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On May 17, 1926, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the jury returned a verdict of guilty, and the court imposed a fine of $150.

W. M. JARDINE, *Secretary of Agriculture.*

14400. Adulteration and misbranding of meat meal. U. S. v. Mutual Rendering Co., Inc. Plea of guilty. Fine, $100. (F. & D. No. 19746. I. S. No. 8669–x.)

On April 12, 1926, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mutual Rendering Co., Inc., a corporation, trading at Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about September 5, 1925, from the State of Pennsylvania into the State of Maryland, of a quantity of meat meal which was adulterated and misbranded. The article was labeled in part: "55% Mureco Meat Meal Guaranteed Analysis Protein Min. 55% * * * Mutual Rendering Co. Philadelphia, Pa."

Examination by the Bureau of Chemistry of this department of a sample of the article showed 50.6 per cent protein.

Adulteration of the article was alleged in the information for the reason that meat meal containing less than 55 per cent of protein had been substituted for meat meal containing a minimum of 55 per cent of protein, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "55% * * * Meat Meal." and "Guaranteed Analysis Protein Min. 55%," borne on the label, were false and misleading, in that the said statements represented that the article contained not less than 55 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 55 per cent of protein, whereas it did not contain 55 per cent of protein but did contain a less amount.

On June 29, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

W. M. JARDINE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 14351 TO 14400

[1] Contains opinion of the court.

[2] Contains instructions to the jury.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1926

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 14401–14450

[Approved by the Secretary of Agriculture, Washington, D. C., November 6, 1926]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

14401. Adulteration and misbranding of feed. U. S. v. The Kansas Flour Mills Co. Plea of guilty. Fine, $250. (F. & D. No. 19671. I. S. Nos. 6311–v, 6312–v, 6313–v, 17980–v, 19823–v, 19824–v.)

On March 31, 1926, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kansas Flour Mills Co., a corporation, trading at Kansas City, Mo., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about December 17, 18, 19, 20, 22, and 31, 1924, respectively, from the State of Missouri into the State of Arkansas, on or about January 13, 1925, from the State of Missouri into the State of Iowa, and on or about February 14, 1925, from the State of Missouri into the State of Tennessee, of quantities of feed which was adulterated and misbranded. The article was labeled in part: "Gray Wheat Shorts And Wheat Screenings" (or "Wheat Grey Shorts & Screenings" or "Grey Shorts & Wheat Screenings") "The Kansas Flour Mills Company Kansas City, U. S. A." (or "Kansas City, Mo.").

Adulteration of the article was alleged in the information for the reason that a product of the nature of brown shorts and screenings had been substituted for the said article.

Misbranding was alleged for the reason that the statements, to wit, "Gray Wheat Shorts And Wheat Screenings," "Wheat Grey Shorts & Screenings," or "Grey Shorts & Wheat Screenings," borne on the respective labels of the product, were false and misleading, in that the said statements represented that the article was composed wholly of grey wheat shorts and wheat screenings, or wheat grey shorts and screenings, or grey shorts and wheat screenings, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted of the above named ingredients, whereas it did not so consist but did consist of a product of the nature of brown shorts and screenings.

On May 11, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $250.

W. M. Jardine, *Secretary of Agriculture.*

14402. Adulteration and misbranding of tomato sauce. U. S. v. 11 Cases of Tomato Sauce. Default decree of forfeiture and destruction. (F. & D. No. 19454. I. S. No. 13411–v. S. No. E–5088.)

On January 2, 1925, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 cases of tomato sauce, remaining unsold in the original

packages at Brooklyn, N. Y., alleging that the article had been shipped by A. Morici & Co., San Francisco, Calif., September 23, 1924, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Naples Style Tomato Sauce Salsa Di Pomidoro Contadina Brand * * * Packed by Hershel Cal. Fruit Prod. Co. San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially colored tomato paste or sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce" was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared upon the label.

On June 18, 1926, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14403. Adulteration and misbranding of evaporated apples. U. S. v. Eugene B. Holton. Plea of guilty. Fine, $25 and costs. (F. & D. No. 18321. I. S. Nos. 1836–v, 1843–v, 1844–v, 1845–v.)

On April 15, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Eugene B. Holton, Webster, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about February 9, 1923, from the State of New York into the State of Massachusetts, and on or about February 10 and 24, and March 9, 1923, respectively, from the State of New York into the State of New Hampshire, of quantities of evaporated apples which were adulterated and misbranded. A portion of the article was labeled in part: "Net Weight 15 Ounces Holton Brand Fancy Evaporated Apples Packed By E. B. Holton * * * Webster, N. Y." The remainder of the said article was labeled in part: "Apples Profile Brand Fancy Evaporated Apples * * * Contents 15 Oz. When Packed."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and in that excessive water had been substituted in part for evaporated apples, which the said article purported to be.

Misbranding was alleged for the reason that the statements "Evaporated Apples" and "Net Weight 15 Ounces" or "Contents 15 Oz.," as the case might be, borne on the packages containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of evaporated apples and that each of the packages contained 15 ounces thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of evaporated apples and that each of the said packages contained 15 ounces thereof, whereas the said article did not consist wholly of evaporated apples but did consist in part of excessive water, and each of the packages did not contain 15 ounces of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 10, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14404. Adulteration of walnut meats. U. S. v. 4 Cases, et al., of Walnut Meats. Default decree of destruction entered. (F. & D. No. 17304. I. S. Nos. 8191–v, 8192–v, 8193–v. S. No. W–1322.)

On February 23, 1923, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 cases of walnut meats, at Provo, Utah, alleging that the article had been shipped by the Sanitary Nut Shelling Co., from Los Angeles, Calif., in two consignments, on or about December 12 and 27, 1922, and trans-

ported from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Order Sanitary Nut Shelling Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance, the excreta and other refuse of a large number of insects.

On May 19, 1923, no claimant having appeared for the property, judgment of the court was entered, finding the product adulterated and ordering its destruction by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14405. Misbranding of apple butter. U. S. v. 9 Cases of Apple Butter. Product ordered condemned and released under bond. (F. & D. No. 19226. I. S. No. 20965–v. S. No. W–1617.)

On December 29, 1924, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 cases of apple butter, at Phoenix, Ariz., alleging that the article had been shipped by Haas, Baruch & Co., from Los Angeles, Calif., on or about October 17, 1924, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "4 Dozen 1-lb Tins Iris Brand Apple Butter Distributed by Haas Baruch & Co., Los Angeles, Calif.," (can) "Net Weight 1 pound."

Misbranding of the article was alleged in substance in the libel for the reason that the designations "4 Dozen 1-lb. Tins Iris Brand Apple Butter Distributed by Haas Baruch & Co., Los Angeles, Calif." were false and misleading and deceived and misled the purchaser, in that the true net weight of the contents of the tins was less than 1 pound, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On January 24, 1925, the product was ordered condemned, and it was further ordered by the court that it be delivered to the owner, Shaw Family Inc., upon execution of a bond in the sum of $100, and payment of the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

14406. Misbranding of peach and apricot jams. U. S. v. 110 Cases of Peach Jam and 21 Cases of Apricot Jam. Products ordered condemned and released under bond. (F. & D. No. 19224. I. S. Nos. 20967–v, 20968–v. S. No. W–1618.)

On December 29, 1924, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 110 cases of peach jam and 21 cases of apricot jam, at Phoenix, Ariz., alleging that the articles had been shipped by the North Ontario Packing Co., Los Angeles, Calif., on or about July 3, 1924, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Case) "24 1-Lb. Tins Glen Rosa Peach" (or "Apricot") "Jam Manufactured by North Ontario Packing Company, Los Angeles, U. S. A.," (tin) "Net Contents 1 Lb."

It was alleged in the libel that the articles were misbranded, in that the statement "24 1-Lb. Tins," borne on the cases containing both products, and the statement "Net Contents 1 Lb.," borne on the tins containing both products, were false and misleading and deceived and misled the purchaser, and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 24, 1925, the Melczer Co., Phoenix, Ariz., having appeared as claimant for the property, the products were ordered condemned, and it was further ordered by the court that they be delivered to the said claimant upon execution of a bond in the sum of $600, and payment of the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

14407. Adulteration of canned salmon. U. S. v. 25 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17504. I. S. No. 6655–v. S. No. C–3953.)

On March 30, 1923, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 cases of salmon, remaining in the original unbroken packages at Granite City, Ill., alleging that the article had been shipped from St. Louis, Mo., on or about February 11, 1923, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Aviation Brand Fresh Alaska Chum Salmon Packed By North Pacific Trading And Packing Company Klawack Alaska San Francisco, Cal."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed or putrid animal substance.

On June 28, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14408. Adulteration of canned cut wax beans. U. S. v. 41 Cases of Cut Wax Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21061. I. S. No. 5519–x. S. No. E–5757.)

On May 8, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 41 cases of cut wax beans, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by K. M. Davies Co., Inc., Williamson, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed and putrid vegetable substance.

On June 30, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14409. Adulteration of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20771. I. S. No. 8067–x. S. No. E–5575.)

On January 15, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Universal Carloading & Distributing Co., from Chicago, Ill., December 30, 1925, and transported from the State of Illinois into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid or decomposed animal substance.

On June 21, 1926, Ford, Gustavson & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings, and the execution of a bond in the sum of $500, conditioned in part that it be returned to the factory at Kansas City, Mo., to be reworked, reprocessed and renovated to the satisfaction of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14410. Adulteration and misbranding of ether. U. S. v. 50 Tins of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21042. I. S. No. 2222–x. S. No. C–5080.)

On April 27, 1926, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the Dis-

trict Court of the United States for said district a libel praying seizure and condemnation of 50 tins of ether, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the Powers-Weightman-Rosengarten Co., from St. Louis, Mo., on or about March 25, 1926, and transported from the State of Missouri into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tin) "One Pound Ether U. S. P. * * * Powers-Weightman-Rosengarten Co. Philadelphia."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it failed to comply with the pharmacopoeial requirements for freedom from peroxide and aldehyde.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the U. S. Pharmacopœia and differed from the standard of quality and purity as determined by the tests laid down in the said pharmacopœia.

Misbranding was alleged for the reason that the statement on the label "Ether U. S. P." was false and misleading.

On May 24, 1926, the Powers-Weightman-Rosengarten Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act, and it was further ordered that the said product be salvaged, or relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture*

14411. Misbranding of olive oil. U. S. v. 5 Cases and 8 Cases of Olive Oil. Product adjudged misbranded and ordered released under bond. (F. & D. No. 16581. I. S. Nos. 14321-t, 14322-t. S. No. W-1125.)

On July 29, 1922, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cases, each containing gallon cans, and 8 cases, each containing ½-gallon cans, of olive oil, at Salt Lake City, Utah, alleging that the article had been shipped by the Nasiacos Importing Co., from Chicago, Ill., on or about August 12, 1921, and transported from the State of Illinois into the State of Utah, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "1 Gallon" (or "½ Gallon") "Athlete Brand Pure Olive Oil Nasiacos Importing Co. Chicago, Ill."

Misbranding of the article was alleged in the libel for the reason that the statements on the labels, "1 Gallon" and "½ Gallon," as the case might be, were false and misleading, in that the net contents of the said cans were not 1 gallon and ½ gallon, respectively. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 2, 1923, the Nasiacos Importing Co., Chicago, Ill., having appeared as claimant for the property and having paid the costs of the proceedings and executed a bond in the sum of $600, a decree was entered, adjudging the product to be misbranded, and it was ordered by the court that the product be released for the purpose of relabeling the same as to the exact net contents.

W. M. JARDINE, *Secretary of Agriculture.*

14412. Misbranding of butter. U. S. v. Ambrose J. Smith, Sam S. Lard, and John S. Carter (Trustees, Texas Creamery Co.). Pleas of guilty. Fine, $200. (F. & D. No. 19702. I. S. Nos. 3563-v, 3566-v, 3569-v, 3570-v, 3571-v.)

On February 24, 1926, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ambrose J. Smith, Sam S. Lard, and John S. Carter, as trustees of the Texas Creamery Co., an unincorporated association, Houston, Tex., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about the respective dates of January 27, and February 14 and 20, 1925, respectively, from the State of Texas into the Territory of Porto Rico, of quantities of butter which was misbranded. The article was contained in

sealed tins labeled in part: "Extra Fancy Morning Glory Creamery Butter Texas Creamery Co., Houston, Tex. * * * One Pound Net."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the containers of the product, was false and misleading, in that the said statement represented that the said containers each contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the containers each contained 1 pound of butter, whereas they did not but did contain, in each of a number of said containers, less than 1 pound of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 7, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of $200.

W. M. JARDINE, *Secretary of Agriculture.*

14413. Adulteration and misbranding of olive oil. U. S. v. Albert Pace (Pace and Sons). Plea of nolo contendere. Fine, $660. (F. & D. No. 19689. I. S. Nos. 13944–v, 13945–v, 13947–v, 13948–v, 13949–v, 13950–v, 14154–v, 14249–v, 14250–v, 14251–v, 24504–v, 24505–v, 24506–v, 24507–v, 24508–v, 24509–v, 24512–v, 24513–v, 12414–v, 12415–v.)

On March 9, 1926, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert Pace, trading as Pace & Sons, Providence, R. I., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments between the dates of October 1, 1924, and March 26, 1925, from the State of Rhode Island into the States of Connecticut, Massachusetts, Maine and Pennsylvania, respectively, of quantities of olive oil which was adulterated and misbranded. The article was labeled in part: (Can) "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona A Mare (Italy) Contents One Half Gallon" (or "Contents One Full Gallon" or "Contents One Quart") "Ortona Civitas Vetustissima * * * This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis." The said cans bore a cut of a castle and the statement "Packed In Italy," "Made In Italy" or "Products Of Italy," as the case might be.

Adulteration of the article was alleged in substance in the information for the reason that cottonseed oil, or sesame oil, or both cottonseed oil and sesame oil, as the case might be, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in large part for pure olive oil which the article purported to be.

Adulteration of the article considered as a drug was alleged for the reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality and purity as determined by the test laid down in said pharmacopœia, official at the time of investigation, in that it was composed in large part of sesame oil, or cottonseed oil, or both sesame oil and cottonseed oil, whereas said pharmacopœia provided that olive oil should be obtained from the ripe fruit of olives.

Misbranding was alleged for the reason that the statements, to wit, "Pure Italian Olive Oil," "Ortona A Mare (Italy)," "This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis," borne on the labels of the cans containing the article, and the further statements "Packed In Italy," "Made In Italy," or "Products Of Italy," as the case might be, borne on the said labels, were false and misleading, in that they represented that the article was pure olive oil and that it was a foreign product, to wit, an olive oil produced in Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil and that it was a foreign product, whereas it was not pure olive oil, and was not a foreign product but was a product composed in large part of oils other than olive oil produced in the United States. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, for the further reason that it was falsely branded as to the country in which it was manufactured and produced, and for the further reason that it purported to be a foreign product when not so.

Misbranding was alleged with respect to a portion of the product for the further reason that the statements, to wit, "Contents One Half Gallon," "Contents One Full Gallon," or "Contents One Quart," borne on the labels of the cans containing the said portion, were false and misleading, in that the said statements represented that the cans contained the amount of oil declared on the label, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained the amount of oil declared on the label, whereas the cans in certain of the shipments of the product contained less than declared. Misbranding was alleged with respect to the said portion of the product for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 14, 1926, the defendant entered a plea of nolo contendere, and the court imposed a fine of $660.

W. M. JARDINE, *Secretary of Agriculture.*

14414. Adulteration and misbranding of butter. U. S. v. 20 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21080. I. S. No. 10680-x. S. No. W-1967.)

On April 17, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and subsequently an amended libel praying seizure and condemnation of 20 cases of butter, remaining in the original unbroken packages at Seattle, Wash., delivered for shipment by the Consolidated Dairy Products Co., Seattle, Wash., April 16, 1926, alleging that the article had been prepared for shipment from the State of Washington into the Territory of Alaska, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "Lynden And Darigold Butter Whatcom County Dairymen's Assn, Lynden-Bellingham," (package) "Darigold Pasteurized Creamery Butter One Pound."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat content had been mixed and packed therewith so as to reduce, lower, or injuriously affect its strength or quality, and had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been abstracted from the said article.

It was further alleged in substance in the libel that the article was short weight and was misbranded in violation of the general paragraph, and paragraphs 2 and 3 under food, of section 8 of said act, in that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged for the further reason that the article was labeled "Butter," which label was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 30, 1926, the Consolidated Dairy Products Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, conditioned in part that it be repacked under the supervision of this department so as to contain the amount declared on the label and the correct amount of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

14415. Adulteration of canned salmon. U. S. v. 548 Cases, et al., of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18196, 18197, 18240, 18254, 18255. I. S. Nos. 4908-v, 19339-v, 19340-v, 19342-v, 19344-v. S. Nos. C-4238, C-4239, C-4244, C-4245.)

On December 21, 27, and 31, 1923, respectively, the United States attorney for the Western District of Kentucky, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,435 cases of canned salmon, remaining unsold in the original packages, in various lots at Owensboro, Hopkinsville and Henderson, Ky., respectively, consigned by Jones & Williams, Seattle, Washington, in part from Seattle, Wash., and in part from New Orleans,

La., in various shipments, on or about November 9 and 19, 1923, respectively, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Bell-Can Brand Chum Salmon * * * Packed By Bellingham Canning Company So. Bellingham, Wash."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed and putrid animal substance.

On May 20, 1926, the Bellingham Canning Co., South Bellingham, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to the Buttnick Mfg. & Investment Co., to whom the claimant had sold its interest, upon the execution of a bond in the sum of $7,000, conditioned in part that it be sorted under the supervision of this department, and the unadulterated portion released and the remainder destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

14416. Alleged misbranding of Smack. U. S. v. 24⅞ Gallons of Smack. Tried to the court. Judgment for claimant. (F. & D. No. 18820. I. S. No. 17752-v. S. No. C-4430.)

On December 4, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on October 28, 1925, a stipulation amending said libel, praying seizure and condemnation of 24⅞ gallons of Smack, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Smack Co., from Chicago, Ill., June 9, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Smack * * * Flavor Manufactured By The Smack Company—Chicago, Ill."

It was alleged in the libel that the article was misbranded, in that the analysis showed it to be an artificially colored and artificially flavored sirup, in imitation of another article, to wit, a genuine grape product.

On January 21, 1926, the Smack Co., Chicago, Ill., having appeared as claimant for the property, the case came on for trial before the court, and judgment dismissing the libel was entered as will more fully appear from the following opinion (Geiger, *D. J.*):

"The Government seized an interstate shipment of 'Smack,' a product with respect to which this preliminary statement may be made. It is manufactured synthetic concentrate, which the Government says is, and is intended to be, a base for a beverage imitative of grape juice. Some time prior to the institution of this proceeding, the product had received attention from the Government because it was shipped under labels bearing the name 'Grape Smack' associated on the label with a picture of a cluster of grapes. At that time the product was similarly advertised in trade journals. After the condemnation of that label by the enforcement officials in a proceeding in court, the manufacturer, the claimant here or its predecessor, ceased that practice, and the article is now advertised, labeled and shipped as 'Smack.'

"Upon the present hearing the Government offered proof of the foregoing—which offer was received subject to later consideration of competency or the like—and also introduced proof tending to show the following:

"That an analysis of the product in question discloses the presence of certain ingredients or constituents, among them water, sugar, tartaric acid, ash, vanillin, and others said to contribute severally to physical properties, flavor, color or the like. The Government witness, upon his direct examination, also testified to the presence of approximately 5 per cent of grape juice; but, I believe, upon his cross-examination failed to sustain that position when he admitted that his conclusion was based wholly upon finding in the product certain ingredients also present in natural grape juice, such as tartaric acid and ash. This infirmity of his testimony seemed to me to be conclusive against the Government when claimant denied the introduction of natural grape juice, but asserted that the ingredients testified to by the Government witness arose not upon the introduction of natural grape juice, but through synthetic introduction as a part of the formula for the entire synthetic product. The Government witness likewise testified that the beverage prepared from this base resembled grape juice in its fluid consistency, color, and taste—indicating the particular synthetic elements capable of producing color and taste, respectively.

"It was, and it must be conceded that the term 'Smack' is arbitrary and not at all representative of any known product, its consistency, ingredients, its food or other qualities, place of manufacture, or the like. It is distinctive within all the positive and negative tests recognized in the administration of the food law, and in its consideration by the courts. U. S. v. Coca Cola Co., 241 U. S., 265, p. 286.

"The name, so the lexicons tell us, has as its synonyms taste, savor, flavor, tang, tincture; also touch, tinge, dash, spice, infusion, sprinkling, little, small quantity.

"Therefore, the name at most would indicate that the product contained a 'smack' of something. This thought, however, need not be pursued because the Government does not contend that the name or the label, as now constituted, is misrepresentative in having a tendency to deceive or to inculcate the belief that any particular known article of food is comprehended. Nor in the proofs adduced is there any basis to find that the product, since the condemnation of the former label, has been sold or offered for sale as 'any other food product, mixture, or compound.' In other words, the case is not within the doctrine of 'Weeks *vs.* U. S., 245 U. S. 618.' Therefore, the Government's case, in its most favorable light, is reduced to this: May an article put out, offered, or shipped, under a name arbitrary, not in the slightest degree representative or misrepresentative, be excluded from interstate commerce because in its color, aroma, taste, and fluid consistency, it or the product developed from it, may prove, is, or may be designed to be, imitative of other known products. Clearly, if the Government's position can be maintained, then the name or branding can be eliminated from consideration in every instance where synthetic products having truly arbitrary, nonrepresentative names, may be the subject of shipment. Nonbranding may become misbranding. This strikes me as being true both of food and drugs. The susceptibility of being found to have color, taste, or consistencies like that or those of known food products would not only bar arbitrarily distinctive names as affording protection, but would require, if the articles are to be shipped at all, a statement not only accurately designating the product imitated, but also assurances possibly of the perfection and either the singleness or the scope of imitation. If a synthetic product could disputably be urged to have the flavor, or a smack of more than one known product, fairness to the law should require statement of the justifiably possible range of imitation. The thought was suggested upon the trial of this case when, after hearing the Government's proof, claimant's representative, during recess, purchased several bottles of different kinds of grape juice on sale at drug stores, and in court pointed out a range of colors and other attributes upon comparison with each other and with 'Smack' as developed from claimant's concentrate.

"It is well known, for example, that different varieties of the same fruit have different flavors, consistencies, and other properties or attributes, either in their natural state or upon being subjected to varying processes in preparation for consumption. It is likewise well known that as between different varieties of fruits, flavors, colors and the like seem to appear in common. It is difficult at times to distinguish jellies. Juices expressed from grapes vary as widely and as fundamentally in the attributes of color, taste, and aroma as the grapes themselves; and, as is well known, some of them in their natural state approach very closely to and are quite indistinguishable from the natural juices of other fruits. As above indicated, if a distinctive name given to a wholly synthetic product must still have added to it some statement or legend because of the susceptibility of its being mistaken for some natural product, the query arises respecting the reduction of this legal obligation to concrete terms. Counsel for the Government insisted in argument that claimant here would not be satisfying the law if in addition to the word 'Smack,' it added 'A Wholly Synthetic Beverage," and it seemed to think that the law would be satisfied if the product were marked 'Imitation.' Manifestly, this could serve no purpose unless a further statement indicating the subject of imitation were added. And if such statement were added, the producer and seller would still be obliged at his peril, against his will, and perhaps, contrary to the fact, to represent what might be said to be the genuineness and the perfection or the scope of his imitation.

"In the Coca Cola case supra, the court clearly points out the considerations involved in determining distinctiveness of name, saying:

"'Thus, soda water is a familiar trade description of an article which now, as is well known, rarely contains soda in any form. Such a name is not to be deemed either misleading or false, as it is in fact distinctive. But unless the name is truly distinctive, the immunity cannot be enjoyed; but it does not extend to a case where an article is offered for sale "under the distinctive name of another article." Thus, that which is *not* coffee, or is an imitation of coffee, cannot be sold as coffee; and it would not be protected by being called "X's Coffee." Similarly, that which is not lemon extract could not obtain immunity by being sold under the name of "Y's Lemon Extract." The name so used is not "distinctive" as it does not properly distinguish the product; it is an effort to trade *under the name of an article of a different sort.* So, with respect to mixtures or compounds, we think that the term "another article" in the proviso embraces a different compound from the compound in question. The aim of the statute is to prevent deception, and that which appropriately describes a different compound cannot secure protection as a "distinctive name."

"'*A "distinctive name" may also of course be purely arbitrary or fanciful and thus, being the trade description of the particular thing, may satisfy the statute, provided the name has not already been appropriated for something else so that its use would tend to deceive.*'

"Therefore the clause of the statute: 'If it be an imitation of or offered for sale under the distinctive name of another article' seems to me to deal first with imitations, that is ,things patterned after, or a copy of, or made in simulation of another article and, as such, offered or put out as the genuine; second, articles, whatever they may be, whether imitation or not, which are put out under the distinctive name of another article. The statute condemns the use of means which being used arouse the belief that one thing is really another.

"It is my judgment that the limitations of the statute are such that the case before us is not comprehended; and this view necessarily excludes from the case the testimony dealing with the former practices of the claimant.

"A decree dismissing the libel may be entered."

W. M. JARDINE, *Secretary of Agriculture.*

14417. Misbranding of cottonseed cake. U. S. v. Whitesboro Oil Mill. Plea of guilty. Fine, $10 and costs. (F. & D. No. 19726. I. S. No. 22700–v.)

On March 12, 1926, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Whitesboro Oil Mill, a corporation, Whitesboro, Tex., alleging shipment by said company, in violation of the food and drugs act, on or about January 5, 1925, from the State of Texas into the State of Kansas of a quantity of cottonseed cake which was misbranded. The article was labeled in part: (Tag) "Choctaw Chief Brand * * * Guaranteed Analysis Protein not less than 43%, * * * Crude Fiber not more than 12% * * * Manufactured By Choctaw Cotton Oil Company * * * Ada, Oklahoma."

Analysis by the Bureau of Chemistry of this department of a sample from the shipment showed that it contained 39.68 per cent protein and 12.67 per cent crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein not less than 43% * * * Crude Fiber not more than 12%," borne on the labels were false and misleading, in that the said statements represented that the article contained not less than 43 per cent of protein and not more than 12 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein and not more than 12 per cent of crude fiber, whereas the said article contained less protein and more fiber than represented, to wit, approximately 39.68 per cent of protein and approximately 12.67 per cent of crude fiber.

On May 19, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $10 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14418. Adulteration of goldenseal tincture, and adulteration and misbranding of codeine sulphate tablets, morphine sulphate tablets, strychnia sulphate tablets, strychnia nitrate tablets, La Grippe tablets, rhinitis tablets, Vitone yeast compound tablets, ipecac fluidextract, belladonna leaves fluidextract, belladonna root fluidextract, colchium seed fluidextract, hyoscyamus fluidextract, and nux vomica fluidextract. U. S. v. Flint, Eaton & Co. Plea of guilty. Fine, $31 and costs. (F. & D. No. 19747. I. S. Nos. 14883–v, 14886–v, 14889–v, 14891–v, 19573–v, 19728–v, 19731–v, 19739–v, 22804–v, 22807–v, 22808–v, 22809–v, 22811–v, 22812–v, 22813–v, 23091–v.)

On April 22, 1926, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Flint, Eaton & Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the food and drugs act, between the approximate dates of October 31, 1924, and February 25, 1925, from the State of Illinois into the State of Ohio of a quantity of goldenseal tincture which was adulterated, and from the State of Illinois into the respective States of Missouri, Ohio, and Louisiana, of various consignments of the following drugs which were adulterated and misbranded, codeine sulphate tablets, morphine sulphate tablets, strychnia sulphate tablets, strychnia nitrate tablets, La Grippe tablets, rhinitis tablets, Vitone yeast compound tablets, ipecac fluidextract, belladonna leaves fluidextract, belladonna root fluidextract, colchicum seed fluidextract, hyoscyamus fluidextract, and nux vomica fluidextract. The articles were labeled in part: "Flint, Eaton & Co. * * * Decatur, Ill.," and were further labeled in part as hereinafter set forth.

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that: The strychnia sulphate tablets labeled "1–20 gr." contained 1–23 grain of strychnia sulphate each and those labeled "1–40 gr." contained 1–57 grain of strychnia sulphate each; the strychnia nitrate tablets, labeled "1–40 gr.," contained 1/47 grain of strychnia nitrate each; the La Grippe tablets, labeled "Ammonium Salicylate 3–4 gr.," contained ½ grain of ammonium salicylate each; the rhinitis tablets, labeled "Quinine Sulphate ½ gr.," contained less than 3–8 grain of quinine sulphate each; the codeine sulphate tablets, labeled "1–8 gr.," contained 0.106 grain of codeine sulphate each; the Vitone tablets, labeled "Ext. Nux Vomica 1–4 grain," contained 1/60 grain of nux vomica extract each; the goldenseal tincture yielded 0.33 gram of alkaloids per 100 mils or 8 per cent less than the minimum required by the pharmacopœia; the morphine sulphate tablets, labeled "1–4 gr.," contained 0.22 grain of morphine sulphate each; the belladonna fluidextract yielded 0.292 gram of alkaloids per 100 mils, which is less than ¾ of the minimum required by the pharmacopœia; the colchicum seed fluidextract yielded 0.164 gram of alkaloids per 100 mils, which is less than ½ of the minimum required by the United States Pharmacopœia; the hyoscyamus fluidextract yielded 0.038 gram of alkaloids per 100 mils, which is approximately ⅔ of the minimum requirement of the United States Pharmacopœia; the nux vomica fluidextract yielded 0.144 gram of alkaloids per 100 mils, which is 1/15 of the minimum required by the pharmacopœia; the ipecac soluble fluidextract yielded 0.83 gram of alkaloids per 100 mils, which is less than ½ of the minimum required by the pharmacopœia; the belladonna leaves fluidextract, labeled "Each fl. oz. of this extract represents 1 oz. of crude drug," represented not more than ½ ounce of crude drug per fluidounce.

Adulteration of the codeine sulphate tablets, morphine sulphate tablets, strychnia sulphate tablets, strychnia nitrate tablets, La Grippe tablets, rhinitis tablets, Vitone yeast compound tablets and belladonna leaves fluidextract, was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold.

Adulteration of the goldenseal tincture, ipecac fluidextract, belladonna root fluidextract, colchicum seed fluidextract, hyoscyamus fluidextract, and nux vomica fluidextract, was alleged for the reason that the articles were sold under and by names recognized in the United States Pharmocopœia and differed from the standard of strength, quality and purity as determined by the tests laid down in said pharmacopœia, official at the time of investigation, in that the goldenseal tincture yielded not more than 0.33 gram of the ether-soluble alkaloids of hydrastis per 100 mils, whereas the pharmacopœia provided that it should yield not less than 0.36 gram of the ether-soluble alkaloids of hydrastis per 100 mils; the ipecac fluidextract yielded not more than 0.83

gram of the alkaloids of ipecac per 100 mils, whereas said pharmacopœia provided that it should yield not less than 1.8 grams of the total alkaloids of ipecac per 100 mils; the belladonna root fluidextract yielded not more than 0.292 gram of the alkaloids of belladonna root per 100 mils, whereas said pharmacopœia provided that it should yield not less than 0.405 gram of the alkaloids of belladonna root per 100 mils; the colchicum seed fluidextract yielded not more than 0.164 gram of the alkaloids of colchicum seed per 100 mils, whereas said pharmacopœia provided that it should yield not less than 0.36 gram of the alkaloids of colchicum seed per 100 mils; the hyoscyamus fluidextract yielded not more than 0.038 gram of the alkaloids of hyoscyamus per 100 mils, whereas said pharmacopœia provided that it should yield not less than 0.055 gram of the alkaloids of hyoscyamus per 100 mils; and the nux vomica fluidextract yielded not more than 0.144 gram of the alkaloids of nux vomica per 100 mils, whereas said pharmacopœia provided that it should yield not less than 2.37 grams of the alkaloids of nux vomica per 100 mils.

Misbranding of the said tablets and belladonna leaves fluidextract was alleged for the reason that the statements borne on the labels, to wit, "Tablets * * * Codeine Sulphate ⅛ gr.," "Tablets * * * Morphine Sulphate ¼ gr.," "Tablets * * * Strychnia Sulphate gr.," "Tablets * * * Strychnia Sulphate $\frac{1}{30}$ gr.," "Tablets * * * Strychnia Nitrate $\frac{1}{40}$ gr. Guaranteed by Flint, Eaton & Co., under the Pure Food and Drugs Act June 30, 1906" with respect to the codeine sulphate, morphine sulphate, strychnia sulphate and strychnia nitrate tablets, the statement "Tablets * * * Ammonium Salicylate ¾ gr." with respect to the La Grippe tablets, the statement "Tablets * * * Quinine Sulphate ½ gr." with respect to the rhinitis tablets, the statement "Tablets * * * Ext. Nux Vomica ¼ grain" with respect to the Vitone yeast compound tablets, and the statements "Fl. Ext. Belladonna Leaves * * * Each fl. oz. of this Extract represents 1 oz. of crude drug" with respect to the belladonna leaves fluidextract, were false and misleading, in that the said codeine sulphate, morphine sulphate, strychnia sulphate and strychnia nitrate tablets contained less of the product than declared on the label, the La Grippe tablets contained less than ¾ grain of ammonium salicylate, the rhinitis tablets contained less than ½ grain of quinine sulphate, the Vitone yeast compound tablets contained less than ¼ grain of nux vomica, and each fluidounce of the belladonna leaves extract contained less than 1 ounce of crude belladonna leaves.

Misbranding of the belladonna root fluidextract, colchicum seed fluidextract, hyoscyamus fluidextract and nux vomica fluidextract was alleged for the reason that the statements, to wit, "Fl. Ext. Belladonna Root * * * Each fl. oz. of this Extract represents 1 oz. of crude drug," "Fl. Ext. Colchicum seed * * * Each fl. oz. of this Extract represents 1 oz. of crude drug," "Fl. Ext. Hyoscyamus * * * Each fl. oz. of this Extract represents 1 oz. of crude drug," and "Fluid Extract Nux Vomica U. S. P.," borne on the labels, were false and misleading, in that each fluidounce of the belladonna root extract represented approximately ⅔ ounce of crude belladonna root; each fluid ounce of the colchicum seed extract represented less than 1 ounce of crude colchicum seed; each fluidounce of the hyoscyamus extract represented less than 1 ounce of hyoscyamus, and the nux vomica extract did not conform to the standard laid down in the said United States Pharmacopœia.

Misbranding of the ipecac fluidextract was alleged for the reason that it contained alcohol and the label failed to bear a statement of the quantity and proportion of alcohol contained therein.

On June 24, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $31 and costs.

W. M. Jardine, *Secretary of Agriculture.*

14419. Adulteration of canned sardines. U. S. v. 8 Cases and 64 Cans of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19381. I. S. No. 16899-v. S. No. E-5048.)

On December 20, 1924, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 cases and 64 cans of sardines, remaining in the original unbroken packages at Manchester, N. H., consigned by the Bayshore Sardine Co., Columbia, Me., alleging that the article had been shipped from Columbia, Me., October 9, 1924, and transported from the State of Maine

into the State of New Hampshire, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "B. & S. Brand American Sardines * * * Packed By Bayshore Sardine Co. Addison, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid or decomposed animal substance.

On June 3, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14420. Misbranding of canned oysters. U. S. v. 219 Cases of Canned Oysters. Product adjudged misbranded and released under bond. (F. & D. No. 20002. I. S. No. 24653-v. S. No. C-4712.)

On April 14, 1925, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 219 cases of canned oysters, at Kansas City, Mo., alleging that the article had been shipped by the Martin Fountain Packing Co., from Biloxi, Miss., on or about January 16, 1925, and transported from the State of Mississippi into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Chandeleur Island Brand Oysters Contents 10 Ozs. Oyster Meat, Packed By Martin Fountain Pkg. Co. M F P Co."

Misbranding of the article was alleged in the libel for the reason that the statement on the labels "10 Ozs." was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On April 14, 1925, the Martin Fountain Packing Co., Biloxi, Miss., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered, finding the product misbranded, and it was ordered by the court that it be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it be salvaged and relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14421. Adulteration of canned blackberries. U. S. v. 1,248 Cases of Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20885. I. S. No. 1350-x. S. No. C-4958.)

On or about February 23, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,248 cases of blackberries, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Kelley Packing Co., from Chehalis, Wash., September 23, 1925, and transported from the State of Washington into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed and putrid vegetable substance.

On June 22, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14422. Adulteration of shell eggs. U. S. v. 9 Cases of eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21083. I. S. No. 12262-x. S. No. C-5072.)

On or about April 17, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 cases of shell eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Peters Certified Poultry Co., from Newton, Iowa, April 13, 1926, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed and putrid animal substance.

On June 22, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14423. Adulteration and misbranding of chocolate products. U. S. v. 3 Cases and 3 Cases of Chocolate Products. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21005. I. S. Nos. 12136–x, 12137–x. S. No. C–5047.)

On or about April 5, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 cases of chocolate products, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Royal Cocoa Co., from Camden, N. J., December 8, 1925 [and January 15, 1926], and transported from the State of New Jersey into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Case) "100 lbs. Buttercup Pure Choc. Liq. from Royal Cocoa Co., Camden, N. J." The remainder of the said article was labeled in part: (Case) "Choc. Ctg."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive shells, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Choc Liq." and "Choc. Ctg.," borne on the labels, were false and misleading and deceived and misled the purchaser when applied to an article containing excessive shells.

On June 22, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14424. Adulteration of tomato puree. U. S. v. 725 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20947. I. S. No. 1285–x. S. No. C–4981.)

On or about March 18, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 725 cases of tomato puree, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Frankton Ideal Canning Co., from Frankton, Ind., January 27, 1926, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed and putrid vegetable substance.

On June 22, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14425. Misbranding and alleged adulteration of Laxa raisins. U. S. v. 137 Cartons and 288 Cartons of Laxa Raisins. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21064. I. S. No. 12326–x. S. No. C–5091.)

On or about May 13, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 425 cartons of Laxa raisins, at Chicago, Ill., alleging that the article had been shipped by the Laxa Raisin Co., from Cincinnati, Ohio, January 14, 1926, and transported from the State of Ohio into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of raisins which had been coated with a mixture containing phenolphthalein and an extract from a laxative plant drug.

Adulteration of the article was alleged in the libel for the reason that it contained added deleterious ingredients, to wit, phenolphthalein and an emodin-bearing drug, which might have rendered the said article injurious to health.

Misbranding was alleged for the reason that the statements "Laxa-Raisins * * * Complies With Pure Food Laws," and a cut of a hand holding a bunch of raisins, borne on the labels of the cartons containing the article, were false and misleading.

Misbranding was alleged for the further reason that the statements regarding the curative or therapeutic effect of the article, borne on the label, to wit, (shipping carton) "Laxa-Raisins * * * Scientifically Processed To Increase The Laxative Effect Of The Natural Fruit * * * The Natural Fruit Laxative * * *," (retail carton) "Laxa-Raisins * * * raisins with the laxative elements scientifically increased without altering the * * * wholesomeness of the fruit. A delightful and never-failing corrective for constipation with attending headaches and discomforts * * * Diminishing doses * * * as needed will keep the bowels in perfect condition * * * A pleasant and effective intestinal regulator for Children and Adults * * * Laxa Raisins for Adults and children * * * The Natural Fruit Laxative," were false, fraudulent and misleading, in that the said statements were applied to the article so as to represent to purchasers thereof and create in the minds of such purchasers the impression and belief that the article was effective as a remedy for the ailments and afflictions mentioned upon the said labels, whereas, in truth and in fact, it was not.

On June 22, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14426. Adulteration and misbranding of granulated pink root. U. S. v. 1 Box of Granulated Pink Root. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 20649. I. S. No. 4938-x. S. No. E-5587.)

On November 24, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 box containing 50 pounds of granulated pink root, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by J. L. Hopkins & Co., from New York, N. Y., on or about November 7, 1925, and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Granulated Pink Root 12% Ash."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it yielded 15.9 per cent ash, more than half of which was insoluble in acid (excessive dirt or sand).

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopœia, but differed from the official standard of strength, quality and purity, and its own standard of strength, quality and purity was not stated upon its container, in that it was not labeled, "Granulated Pink Root 15.9% Ash, Not U. S. P."

Misbranding was alleged for the reason that the label bore a statement regarding the article, "Granulated Pink Root 12% Ash," which was false and misleading.

On July 7, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14427. (Supplement to Notice of Judgment No. 13595.) Adulteration of canned salmon. U. S. v. 16 Cases and 86 Cases of Salmon. Portion of product ordered condemned, forfeited, and destroyed. Remainder released. (F. & D. No. 18278. I. S. Nos. 18719-v, 18720-v. S. No. C-4273.)

On May 11, 1926, a decree was entered in the United States District Court for the Western District of Arkansas, ordering that the decree set forth in Notice of Judgment No. 13595, dated May 12, 1925, be vacated and set aside as an order in the above case.

On the same date, Gorman & Co., Seattle, Wash., and the Logan Grocery Co., Prescott, Ark., having appeared as claimants for the 99 cases of salmon seized, judgment of condemnation and forfeiture was entered with respect to 84 cases of the product, and it was ordered by the court that the said 84 cases of salmon be destroyed by the United States marshal. The court having found that the remaining 15 cases of the product had been reconditioned it was ordered that they be released to the said Logan Grocery Co.

W. M. JARDINE, *Secretary of Agriculture.*

14428. Adulteration and misbranding of canned oysters. U. S. v. 44¾ Cases of Oysters. Product relabeled and released. (F. & D. No. 20279. I. S. No. 2516–x. S. No. C–4785.)

On July 22, 1925, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 44¾ cases of canned oysters, at Tulsa, Okla., alleging that the article had been shipped by the Marine Products Co., Inc., from Biloxi, Miss., on or about January 17, 1925, and transported from the State of Mississippi into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act.

Misbranding of the article was alleged in substance in the libel for the reason that the containers thereof were labeled "Net Weight 5 Ozs. Oyster Meat," which label was false and misleading, in that the cans or containers did not contain 5 ounces of oyster meat as labeled.

It was further alleged in the libel that brine had been substituted for a portion of the food in the said containers, and that the article had been injuriously affected thereby.

On December 4, 1925, the court having found that the cans of oysters had been labeled as follows: "Slack Filled, Contents 4 Oz., Oyster Meat, or 1 Oz. Less Than Capacity," and that the said label was correct, it was ordered by the court that the product be released to the Griffin-Goodner Grocery Co., Tulsa, Okla., upon payment of the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

14429. Adulteration of shell eggs. U. S. v. 68 Cases of Eggs. Consent decree adjudging product adulterated and ordering its release under bond. (F. & D. No. 20242. I. S. No. 6325–v. S. No. C–4773.)

On June 24, 1925, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 68 cases of eggs, remaining in the original unbroken packages at Neosho, Mo., alleging that the article had been shipped by the A. B. C. Produce Co., Siloam Springs, Ark., on or about June 22, 1925, and transported from the State of Arkansas into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid and decomposed animal substance.

On July 20, 1925, the A. B. C. Produce Co., Siloam Springs, Ark., having appeared as claimant for the property and having admitted the allegations of the libel and consented that judgment of condemnation and forfeiture be entered, a decree was entered, finding the product adulterated and ordering that it be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it be recandled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14430. Adulteration of canned salmon. U. S. v. 252 Cases and 73 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18212. I. S. No. 6480–v. S. No. C–4240.)

On December 28, 1923, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 252 cases of chum salmon and 73 cases of pink salmon, at Stamps, Ark., alleging that the article had been shipped by Gorman & Co., Seattle, Wash., on or about September 28, 1923, and transported from the State

of Washington into the State of Arkansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Gorman's Brand Chum" (or "Pink") "Salmon Distributed By Gorman and Company, Seattle, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed and putrid animal substance.

On May 12, 1925, the Walker Grocery Co., Stamps, Ark., claimant, having consented to the entry of a decree and to the reconditioning of the product under the supervision of this department, judgment of condemnation was entered, and it was ordered by the court that the good portion of the product be delivered to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $250, in conformity with section 10 of the act, and the destruction of the portion unfit for human consumption.

W. M. Jardine, *Secretary of Agriculture.*

14431. Adulteration and misbranding of quinine sulphate pills, belladonna leaves fluidextract, morphine sulphate tablets, nitroglycerin tablets, tincture of aconite, caffeine soda benzoate tablets, and strychnine sulphate tablets. U. S. v. Brewer & Co. Plea of nolo contendere. Fine, $100. (F. & D. No. 19699. I. S. Nos. 13902-v, 14278-v, 14279-v, 14281-v, 14283-v, 22405-v, 22407-v, 24376-v, 24379-v, 24380-v.)

On April 28, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Brewer & Co., a corporation, Worcester, Mass., alleging shipment by said company, in violation of the food and drugs act, in various consignments from the State of Massachusetts into the State of Maine, on or about October 17, 21, and 27 and November 18, 1924, of quantities of quinine sulphate pills, belladonna leaves fluidextract, morphine sulphate tablets, nitroglycerin tablets, and tincture of aconite, respectively, from the State of Massachusetts into the State of New York, on or about February 21, and March 9, 1925, of quantities of morphine sulphate tablets and quinine sulphate pills, respectively, and from the State of Massachusetts into the State of Minnesota, on or about June 8, 1925, of quantities of caffeine soda benzoate tablets and strychnine sulphate tablets, respectively, which products were adulterated and misbranded. The articles were labeled, variously, in part: "100 Quinine Sulphate Pills 2 grs. Brewer & Co. Inc. * * * Worcester, Mass."; "Fluid Extract Belladonna Leaves * * * Standardized to contain 0.3 Gm. of mydriatic alkaloids in each 100 cc"; "Tablets * * * Morphine Sulphate ½ grain" (or "¼ grain"); "Tablets Nitroglycerin 1-100 grain"; "Tincture Of Aconite (Tinctura Aconiti U. S. P.) Assayed * * * One Hundred mils yields not less than 0.045 Gm. nor more than 0.055 Gm. of the ether soluble alkaloids of Aconite"; "Tablets * * * Caffeine ½ Grain Soda Benzoate ½ Grain"; "Tablets * * * Strychnine Sulphate 1-30 Gr. * * * Physicians & Hospitals Supply Company, Inc. Manufacturing Chemists Minneapolis, Minn."

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that: The morphine sulphate tablets labeled "½ grain" contained not more than 0.44 grain of morphine sulphate each and those labeled "¼ grain" contained 1-6 grain of morphine sulphate each; the belladonna leaves fluidextract yielded 0.156 gram of alkaloids per cubic centimeter (about ½ the minimum required by the United States Pharmacopœia); the aconite tincture yielded 0.0794 gram of alkaloids per 100 cubic centimeters (44 per cent above the maximum permitted by the United States Pharmacopœia); the quinine sulphate pills, labeled "2 grs.," contained 1.75 grains of quinine sulphate each; the nitroglycerin tablets, labeled "1/100 grain," contained 1/188 grain of nitroglycerin each.

Adulteration of the tincture of aconite was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality or purity as determined by the tests laid down in said pharmacopœia, official at the time of investigation, in that it yielded more that 0.055 gram of ether soluble alkaloids of aconite per 100 mils, whereas said pharmacopœia provided that tincture of aconite should yield not more than 0.055 gram of ether soluble alkaloids of aconite per 100 mils, and the standard of strength, quality and purity of the article was not declared on the container thereof.

Adulteration of the remaining articles was alleged in substance for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented that the various tablets or pills contained 2 grains of quinine sulphate, ½ grain of morphine sulphate, 1/100 grain of nitroglycerin, ¼ grain of morphine sulphate, ½ grain of caffeine, and ½ grain of soda benzoate, or 1/30 grain of strychnine sulphate, as the case might be, and that the said belladonna leaves fluidextract contained 0.3 gram of mydriatic alkaloids in each 100 cubic centimeters, whereas the said tablets contained less of the said products than declared on the labels, and the belladonna leaves fluidextract contained less than 0.3 gram of mydriatic alkaloids in each 100 cubic centimeters.

Misbranding of the said tincture of aconite was alleged for the reason that the statements, to wit, "Tincture Of Aconite (Tincture Aconiti U. S. P.) Assayed * * * One hundred mils yields not * * * more than 0.055 gm. of the ether soluble alkaloids of Aconite," borne on the label, were false and misleading, in that the said statements represented that the article was tincture of aconite which conformed to the tests laid down in the United States Pharmacopœia, and that it yielded not more than 0.055 gram of ether soluble alkaloids of aconite per 100 mils, whereas it was not tincture of aconite which conformed to the tests laid down in the said pharmacopœia and did yield more than 0.055 gram of ether soluble alkaloids of aconite per 100 mils.

Misbranding of the remaining products was alleged for the reason that the statements, to wit, "Quinine Sulphate Pills, 2 grs.," "Fluid Extract Belladonna Leaves * * * Standardized to contain 0.3 Gm. of mydriatic alkaloids in each of 100 cc," "Tablets * * * Morphine Sulphate 1–2 grain," "Tablets Nitroglycerin 1–100 grain," "Tablets * * * Morphine Sulphate ¼ grain," "Tablets * * * Caffeine ½ Grain Soda Benzoate ½ Grain," and "Tablets * * * Strychnine Sulphate 1–30 Gr.," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that the tablets or pills contained the amount of quinine sulphate, morphine sulphate, nitroglycerin, caffeine, soda benzoate, and strychnine sulphate represented on the label, and that the said belladonna leaves fluidextract contained 0.3 gram of mydriatic alkaloids in each 100 cubic centimeters of the product, whereas the tablets and pills contained less of the above products than declared on the labels, and the belladonna leaves fluidextract contained less than 0.3 gram of mydriatic alkaloids in each 100 cubic centimeters.

On June 22, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

W. M. Jardine, *Secretary of Agriculture.*

14432. Adulteration and misbranding of canned tuna. U. S. v. Marius deBruyn (M. deBruyn Importing Co.). Plea of guilty. Fine, $500. (F. & D. No. 19704. I. S. Nos. 13474–v, 14145–v to 14151–v, incl., 14381–v, 14735–v, 14736–v, 14737–v, 14738–v, 14740–v, 14742–v, 14748–v, 14749–v, 15624–v, 16254–v, 16486–v, 24590–v.)

On January 6, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Marius deBruyn, trading as M. deBruyn Importing Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, between the approximate dates of December 2, 1924, and February 21, 1925, from the State of New York in various consignments into the respective States of Georgia, Florida, Massachusetts, Tennessee, New Jersey, Kentucky, Pennsylvania, Virginia and Michigan, of quantities of canned tuna fish which was adulterated and misbranded. The article was labeled in part: (Can) "Juanita Brand California Tuna Standard All Light Meat * * * Packed For Discriminating Trade Only."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, yellowtail, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for California tuna, all light meat, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "California Tuna * * * Standard All Light Meat Packed For Discriminating Trade Only," borne on the label, was false and misleading, in that the said

statement represented that the article consisted wholly of select California tuna of the best quality, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of select California tuna of the best quality, whereas it consisted in large part of yellowtail.

On January 18, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $500.

W. M. Jardine, *Secretary of Agriculture.*

14433. Adulteration and misbranding of hay. U. S. v. The Raymond P. Lipe Co. Plea of nolo contendere. Fine, $100 and costs. (F. & D. No. 18727. I. S. No. 709–v.)

On November 26, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Raymond P. Lipe Co., a corporation Toledo, Ohio, alleging shipment by said company, within and through the jurisdiction of the said court, on or about June 4, 1923, from Applegate, Mich., into the State of Virginia, of a quantity of hay which was adulterated and misbranded. The article was invoiced as "Choice Timothy Hay."

It was alleged in the information that the article was adulterated, in that hay of a lower grade or grades, to wit, U. S. No. 2 Mixed Grass, U. S. No. 3 Mixed Grass, and U. S. Sample Grade Mixed Grass had been substituted wholly for Choice Timothy, which the said article purported to be, and for the further reason that substances, to wit, U. S. No. 2 Mixed Grass, U. S. No. 3 Mixed Grass, and U. S. Sample Grade Mixed Grass had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, "Choice Timothy Hay."

On February 17, 1925, a motion to quash the information was filed on behalf of the defendant, which motion was overruled by the court. On January 8, 1926, the defendant company entered a plea of nolo contendere, and the court imposed a fine of $100 and costs.

W. M. Jardine, *Secretary of Agriculture.*

14434. Misbranding of butter. U. S. v. 193 Pounds of Creamery Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20336. I. S. No. 3626–x. S. No. C–4798.)

On July 18, 1925, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 193 pounds of creamery butter, at Birmingham, Ala., alleging that the article had been shipped by the Nashville Pure Milk Co., from Nashville, Tenn., on or about July 6, 1925, and transported from the State of Tennessee into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "One Pound Net Weight Greenfield Creamery Butter."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net Weight," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On August 1, 1925, the Nashville Pure Milk Co., Nashville, Tenn., having appeared as claimant for the property and having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of $500, in conformity with section 10 of the act, and it was further ordered that the said product be rebranded in conformity with the act.

W. M. Jardine, *Secretary of Agriculture.*

14435. Misbranding of butter. U. S. v. 50 Cases of Sunlight Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19857. I. S. No. 22972–v. S. No. C–4663.)

On February 9, 1925, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of Sunlight Creamery Butter, at Birmingham, Ala., alleging that the article had been shipped by the Harrow-Taylor Butter Co., Kansas City Mo., on or about January 30, 1925, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "Sunlight Creamery Butter One Pound Net."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 20, 1925, the Harrow-Taylor Butter Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned that it be reshipped to the creamery and enough butter added to each carton to make 1 pound net as declared on the package.

W. M. Jardine, *Secretary of Agriculture.*

14436. Adulteration of canned salmon. U. S. v. 50 Cases, et al., of Salmon. Product ordered released under bond to be salvaged. (F. & D. Nos. 19091, 19092, 19093, 19117. I. S. No. 22613–v. S. No. C–4509.)

On October 28 and 30, 1924, respectively, the United States attorney for the Northern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 620 cases of salmon, in part at Birmingham, Ala., and in part at Ensley, Ala., alleging that the article had been shipped by the Alaska Consolidated Canners, from Seattle, Wash., on or about August 12, 1924, and transported from the State of Washington into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Surf Brand Pink Salmon * * * Packed by Alaska Pacific Fisheries Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed or putrid animal substance.

On June 10, 1926, the Alaska Consolidated Canneries, Inc., Seattle, Wash., having appeared as claimant for the property, an order of the court was entered, providing that the product be released to the said claimant upon the execution of a bond in the sum of $1,000, conditioned that it be reshipped to Seattle, Wash., to be salvaged, and the decomposed portion removed therefrom before it is placed in interstate commerce as a food for human consumption.

W. M. Jardine, *Secretary of Agriculture.*

14437. Adulteration and misbranding of jellies. U. S. v. 4 Cases and 25 Cases of Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18819. I. S. Nos. 16803–v to 16813–v, incl. S. No. E–4875.)

On July 10, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 29 cases of jellies, remaining in the original unbroken packages at Boston, Mass., alleging that the articles had been shipped by Lutz & Schramm Co., in various consignments, January 23, February 11, March 29, and April 17, 1924, respectively, in part from Allegheny, Pa., and in part from Pittsburgh, Pa., and transported from the State of Pennsylvania into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the articles were labeled in part: "Lusco Brand Apple And Strawberry" (or "Red Raspberry") "Preserves Compound, Corn Syrup, Apple Juice, Fruit, Granulated Sugar,

Lutz & Schramm Co. Pittsburgh, Pa. U. S. A." The remainder of the said articles were labeled in part: "Quakerlade Brand Fruit Pectin And * * * Jelly * * * Lutz & Schramm Co. Pittsburgh, Pa." and "Apple," "Raspberry," "Blackberry," "Grape," "Strawberry," or "Currant," as the case might be.

Adulteration of the Lusco brand jellies was alleged in the libel for the reason that substances, glucose pectin fruit preserve, with added phosphoric acid, had been mixed and packed therewith so as to reduce, lower and injuriously affect their quality and strength and had been substituted wholly or in part for the articles.

Adulteration of the Quakerlade brand jellies was alleged for the reason that substances, pectin jellies with added tartaric acid, had been mixed and packed therewith so as to reduce, lower and injuriously affect their quality and strength and had been substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the statements "Apple And Red Raspberry Preserves," and "Apple And Strawberry Preserves," with respect to the said Lusco brand jellies, and the statements "Fruit Pectin And * * * Jelly," ("Apple," "Raspberry," "Blackberry," "Grape," or "Currant," as the case might be), with respect to the Quakerlade brand jellies, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On March 10, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14438. Adulteration and misbranding of cottonseed meal and cottonseed feed. U. S. v. Farmers Cotton Oil Co. Plea of guilty. Fine, $100. (F. & D. No. 19697. I. S. Nos. 9020-v, 13495-v.)

On December 9, 1925, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Cotton Oil Co., a corporation, Wilson, N. C., alleging shipment by said company, in violation of the food and drugs act, on or about October 22, 1924, from the State of North Carolina into the State of New York, of a quantity of cottonseed meal, and on or about October 25, 1924, from the State of North Carolina into the State of Massachusetts, of a quantity of cottonseed feed which articles were adulterated and misbranded. The said articles were labeled in part, respectively: "Paramount Brand * * * Good Cotton Seed Meal" and "Danish Brand Cotton Seed Feed."

Analysis by the Bureau of Chemistry of this department of a sample of the cottonseed meal showed that it contained 33.44 per cent protein, 6.51 per cent ammonia, and 16.19 per cent crude fiber; analysis of a sample of the cottonseed feed showed that it contained 34.25 per cent protein, 5.48 per cent nitrogen, and 15.89 per cent crude fiber.

Adulteration of the products was alleged in the information for the reason that a substance containing less than 36 per cent of protein, less than 7 per cent of ammonia, and more than 14 per cent of crude fiber, with respect to the so-called cottonseed meal, and containing less than 36 per cent of protein, the equivalent of 5.75 per cent of nitrogen, and more than 15 per cent of crude fiber, with respect to the cottonseed feed, had been mixed and packed with the articles, so as to reduce and lower and injuriously affect their quality and strength and had been substituted for the said articles.

Misbranding was alleged for the reason that the statements borne on the respective labels, to wit, "Good Cotton Seed Meal * * * Guaranteed Analysis Protein (minimum) 36.00%, Ammonia (minimum) 7.00% * * * Crude Fibre (maximum) 14.00%," with respect to the so-called cottonseed meal, and "Guaranteed Analysis Protein 36.00%, Equivalent Nitrogen 5.75% * * * Crude Fibre (Max.) 15.00%," with respect to the cottonseed feed, were false and misleading, in that the said statements represented that the former was good cottonseed meal containing not less than 36 per cent of protein, not less than 7 per cent of ammonia, and not more than 14 per cent of crude fiber, and that the latter contained 36 per cent of protein, the equivalent of 5.75 per cent of nitrogen, and contained not more than 15 per cent of crude fiber, and for the further reason that the articles were labeled as afore-

said so as to deceive and mislead the purchaser into the belief that they were as so represented, whereas the said cottonseed meal was not good cottonseed meal but was cottonseed feed containing less than 36 per cent of protein, less than 7 per cent of ammonia, and more than 14 per cent of crude fiber, and was an imitation of and was offered for sale under the distinctive name of another article, cottonseed meal, which it purported to be but was not, and the said cottonseed feed contained less than 36 per cent of protein, the equivalent of 5.75 per cent of nitrogen, and contained more than 15 per cent of crude fiber.

On May 31, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

W. M. JARDINE, *Secretary of Agriculture.*

14439. Adulteration and misbranding of noodles. U. S. v. 2 Drums of Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21022. I. S. No. 10782-x. S. No. W-1958.)

On April 16, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 drums of noodles, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Porter-Scarpelli Macaroni Co., from Portland, Oreg., March 2, 1926, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article bore the statement prominently labeled on the end of the drum: "Porter Wide Coil Noodles," and was also indistinctly stamped "Artificially Colored." It also had a paper label reading in part: "Porter-Scarpelli Macaroni Co. Portland, Oregon, U. S. A."

Adulteration of the article was alleged in the libel for the reason that an artificially colored product containing little or no eggs had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the designation "Noodles," borne on the label, was false and misleading and deceived and misled the purchaser when applied to an artificially colored paste containing little or no eggs, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On July 1, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14440. Adulteration of canned sardines. U. S. v. 140, et al., Cases of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20448, 20449, 20508 to 20512, incl., 20532. I. S. Nos. 3912-x, 3920-x. S. Nos. C-5024, C-5031.)

On September 19 and October 16 and 21, 1925, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 640 cases of canned sardines, in various lots at New Iberia, New Orleans, Baton Rouge, Thibodaux, and Kentwood, La., respectively, alleging that the article had been shipped by the Maine Cooperative Sardine Co., in part from New York, N. Y., on or about August 12, 1925, and in part from Eastport, Me., on or about September 19, 1925, and transported from the States of New York and Maine, respectively, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Banquet Brand American Sardines * * * Packed At Eastport * * * Me. By L. D. Clark & Son." The remainder of the said article was labeled in part: "Possum Brand Maine Sardines * * * Packed By Seacoast Canning Co. Eastport, Me."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed or putrid animal substance.

On January 11 and April 13, 1926, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14441. Misbranding of butter. U. S. v. 20 Cases and 70 Cases of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21090, 21091. I. S. Nos. 4078–x, 4079–x, 4080–x. S. Nos. C–5068, C–5069.)

On March 27, 1926, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district two libels and on April 22, 1926, amended libels praying seizure and condemnation of 90 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Southern Creameries, Inc., Nashville, Tenn., in part on or about March 8, 1926, and in part on or about March 15, 1926, and transported from the State of Tennessee into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) One Pound Net Monogram Creamery Butter."

It was alleged in the libels as amended that the article was short weight and was misbranded in that the statement "One Pound Net," borne on the label, was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 15, 1926, the Southern Creameries, Inc., Nashville, Tenn., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $400, conditioned in part that it be made to meet the requirements of the law, and that it not be used, sold or disposed of until inspected by a representative of this department.

W. M. Jardine, *Secretary of Agriculture.*

14442. Misbranding of Womanette. U. S. v. 51 Dozen Bottles and 4 Dozen Bottles of Womanette. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20680, 20703. I. S. Nos. 3931–x, 4057–x. S. Nos. C–4888, C–4904.)

On December 2 and 9, 1925, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 55 dozen bottles of Womanette, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Capital Remedy Co., from Jackson, Miss., in part on or about April 1, 1925, and in part on or about October 14, 1925, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained potassium bromide, extract from plant drugs including sassafras, sugar, alcohol and water.

It was alleged in the libels that the article was misbranded, in that the following statements borne on the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle and carton labels) "Womanette * * * A Health, Strength and Beauty-Builder * * * Emphatically the Woman's Friend, there being no condition to which the peculiarities of her sex render her liable in which this medicine may not be taken with every assurance that it will prove beneficial. Its medical properties are * * * Nervine. Its tendency is to * * * equalize the circulation. These are the grand indications necessary to relieve engorgements, unlock the secretions, ease pain, quiet nervousness and cure disease. Its tendency to throw the system upon its proper equilibrium is why it checks a too free or unnatural discharge, or restores it when suppressed contrary to nature," (bottle label) "A Remedy for the Treatment of Diseases Peculiar to the Female Sex Irregular, Obstructed and Painful Menstruation. Vaginal and Uterine Lucorrhea or Whites, Inflammation and Ulceration of the Neck or Body of the Womb. Inflammation of the Ovaries and Tubes. Habitual Miscarriage, Prolapsus, Nervousness, etc. * * * The pregnant may use it as well as the maiden or those having a change of life. Ladies who have once used it during pregnancy are not again willing to be without it. Besides preventing Cramps, Pains, Fretfulness, etc., the system is so well prepared for the confinement that a case of difficult, tedious and

dangerous Labor has never been known to occur when a few bottles have been used during the last months of Pregnancy. * * * To derive the greatest benefit from its use, take a dose of proper size * * * For Acute Pain—Pain in the Ovaries—Menstrual Cramp, Headaches, etc., take a dose * * * for a few doses until pain is relieved," (carton) "A * * * Treatment for Diseases Peculiar to the Female Sex. * * * It has proven of unsurpassed value in the treatment of Irregular, Obstructed and Painful Menstruation, Vaginal and Uterine Lucorrhœa or Whites, Inflammation and Ulceration of the Neck or Body of the Womb. Inflammation of the Ovaries and Tubes, Habitual Miscarriage, Prolapsus, Nervousness, Etc.," (circular) "Womanette 'Beauty Is More Than Skin Deep' Few ladies realize how seriously their general health affects their Appearance, their Complexion, the Texture of the Skin, their Eyes, Hair and even their Youthful Buoyancy, Vitality and Animation. The effects of Womanette in these respects is proving a revelation and a pleasant surprise to hundreds of women and girls. You can profit by it also, perhaps to a wonderful degree. In fact, in your case as well as in many others, your health may be the only thing that is preventing real beauty. Health is Nature's Beauty-Maker. * * * Combined with some quick acting sedative, it will prevent threatened abortion. For Acute Pain, Headache, Menstrual Cramp, Neuralgia of the Womb or Severe Pain in the Ovaries. Etc., take * * * for a few doses until pain is relieved, then one dose three times a day until the cause of the trouble has been removed. For severe Headache, we have often seen a single dose * * * relieve almost immediately. If the headache is from a nervous trouble, or from overwork, dissipation or worry, Womanette will quickly relieve it. Take A Dose At Bedtime if not accustomed to rest well. * * * always gave * * * prompt relief * * * We have seen it given * * * with perfect results to a child * * * which had a discharge similar to Leucorrhoea, brought on by a fall * * * Womanette is usually, in fact almost always, a quick relief for annoying symptoms of an acute nature, such as pain, etc. * * * Womanette puts the forces of nature to work, assisting the natural processes, and being entirely corrective in its effect, it goes directly to the seat of the trouble. Therefore it is sometimes necessary to continue its use, even in acute cases, until the trouble can be brought under control. It must be remembered that Womanette is often called upon to handle cases which have lost all hope of getting well and in which the skill of the best physicians and the best there is in science for the treatment of disease have failed. Chronic, much run down conditions require that Womanette must be given with confidence and persistence. To Get The Best Results, the directions should be followed carefully and the treatment persisted in until permanent results are obtained. It is entirely possible for one to half take Womanette and only get half the benefit from it, or to take half enough and only get half well * * * Simply persist in its use until permanent results have been achieved. We have never known a failure when the medicine was continued long enough * * * Often the most prominent symptoms may be the last to disappear. Irregularities, Leucorrhœa, Pain, Etc., are only symptoms of disease, not the disease itself, and only improve as the disease improves. Chronic Inflammation, Swellings, Morbid Growths on Womb or Ovaries, etc., sometimes require continued treatment for some time, and while you cannot see the results with your eyes, the healing process is going on all the time you are taking Womanette."

On February 1 and May 31, 1926, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14443. Adulteration of canned salmon. U. S. v. 963 Cases, et al., of Canned Salmon. Portion of product condemned and released under bond. Remainder released unconditionally. (F. & D. Nos. 19182, 19197, 19198, 19199, 19201. I. S. Nos. 17071–v, 17074–v, 17076–v, 17078–v, 17079–v, 17082–v, 17083–v, 17084–v, 17085–v. S. Nos. E–5018, E–5025, E–5026, E–5027, E–5028.)

On November 22 and 29, 1924, respectively, the United States attorney for the Southern District of West Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 2,738 cases of canned salmon, in various lots at Charleston, Logan, Alderson and Mabscott, W. Va., respec-

tively, consigned between the dates of September 4 and October 15, 1924, alleging that the article had been shipped by Wakefield & Co., in part from Anacortes, Wash., and in part from Seattle, Wash., and transported from the State of Washington into the State of West Virginia and charging adulteration in violation of the food and drugs act. The article was labeled in part, variously: "Alex Brand Pink Salmon * * * Distributed by Wakefield & Company Seattle, Wash. U. S. A."; "Tennis Brand Pink Salmon Packed For J. L. Smiley & Co. Seattle"; Soo-Pere-Yor Brand Pink Salmon * * * Distributed by Wakefield & Company, Seattle"; "Hypatia Brand Pink Salmon Packed For J. L. Smiley & Co. Seattle, Wash."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed and putrid animal substance.

On January 8, 1925, J. L. Smiley & Co., Seattle, Wash., having appeared as claimant for the property, judgment was entered, finding a portion of the product to be subject to condemnation, and it was ordered by the court that the said portion be released to the claimant upon the execution of a good and sufficient bond, the terms of said bond requiring that the product be salvaged or reconditioned to the satisfaction of this department. The remainder of the product was released unconditionally.

W. M. JARDINE, *Secretary of Agriculture.*

14444. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, $150. (F. & D. No. 19692. I. S. No. 23476-v.)

On December 22, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, Seattle, Wash., alleging that on or about June 25, 1925, the said company had sold under a guaranty that the article would meet the requirements of the food and drugs act, a quantity of butter which was misbranded within the meaning of said act, and that on or about June 25, 1925, and subsequent to said sale and guaranty, the article was delivered by the purchaser thereof to a common carrier at Seattle, Wash., for shipment into the Territory of Alaska, in further violation of said act. The article was labeled in part: "Brookfield Creamery Butter Swift & Company * * * 2 Lbs. Net Weight."

Examination by the Bureau of Chemistry of this department of 48 tins of the article showed an average net weight of 1 pound 14.7 ounces.

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "2 Lbs. Net Weight," borne on the tins containing the said article, was false and misleading, in that the said statement represented that the tins each contained 2 pounds of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the tins each contained 2 pounds of butter, whereas they did not but did contain a less amount.

On January 26, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150.

W. M. JARDINE, *Secretary of Agriculture.*

14445. Misbranding of flour. U. S. v. Sterling Mills, Inc. Plea of guilty. Fine, $50. (F. & D. No. 19706. I. S. Nos. 3701-v to 3706-v, incl., 16523-v, 16525-v.)

On April 19, 1926, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sterling Mills, Inc., a corporation, Statesville, N. C., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about August 22 and 26 and September 3, 1924, respectively, from the State of North Carolina into the State of South Carolina, of quantities of flour which was misbranded. The article was labeled in part: "Sterling Mills Inc." and "Famous Self-Rising Flour" or "Sterling Flour." The various sized packages were further labeled: "48 Lbs. When Packed" or "24 Lbs. When Packed" or "12 Lbs. When Packed," as the case might be.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "48 Lbs.," "24 Lbs." and "12 Lbs.," borne on the respective-sized sacks containing the said article, were false and misleading, in that the said statements represented that the sacks contained 48 pounds, 24 pounds, or 12 pounds, of flour, as the case might be, and for the further reason that the

article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said sacks contained 48 pounds, 24 pounds, or 12 pounds, of flour, as the case might be, whereas the sacks did not contain the amount represented on the label but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 20, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

W. M. JARDINE, *Secretary of Agriculture.*

14446. Adulteration of blue cohosh. U. S. v. Allaire, Woodward & Co. Plea of guilty. Fine, $25 and costs. (F. & D. No. 19619. I. S. No. 22615–v.)

On May 6, 1925, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Allaire, Woodward & Co., a corporation, Peoria, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about June 11, 1924, from the State of Illinois into the State of Alabama, of a quantity of blue cohosh which was adulterated. The article was labeled in part: "Grd. Blue Cohosh."

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality and purity as determined by the test laid down in said formulary, official at the time of investigation of the article, in that it yielded 14.19 per cent of ash, whereas the National Formulary provided that blue cohosh should yield not more than 6 per cent of ash.

On May 28, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25 and costs.

W. M. JARDINE, *Secretary of Agriculture*

14447. Adulteration of tomato puree. U. S. v. 798 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20853. I. S. No. 1481–x. S. No. C–4946.)

On or about February 15, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 798 cases of tomato puree, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Hobbs Tomato Products Co., from Hobbs, Ind., December 12, 1925, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed and putrid vegetable substance.

On June 22, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14448. Adulteration and misbranding of ground beef scraps and meat scraps. U. S. v. Norfolk Tallow Co. Plea of guilty. Fine, $100. (F. & D. No. 19630. I. S. Nos. 15235–v, 16651–v, 16687–v.)

On September 24, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Norfolk Tallow Co., a corporation, Norfolk, Va., alleging shipment by said company, in violation of the food and drugs act as amended, on or about February 16, 1924, from the State of Virginia into the State of Maryland, of a quantity of ground beef scraps, and on or about May 15 and 27, 1924, from the State of Virginia into the States of South Carolina and Florida, respectively, of quantities of meat scraps, all of which were adulterated and misbranded. The articles were labeled, variously, in part: (Bag) "Square Deal Ground Beef Scraps * * * Guaranteed Analysis Protein 55 to 65% * * * Fiber 1 to 2%," (tag) "100 Lbs. Net Notalco Extra Quality Meat

Scraps * * * Guaranteed Analysis Protein Min. 55% * * * Manufactured by Norfolk Tallow Co. Norfolk, Va.," and (bag) "Notalco High AA Grade Meat Scraps * * * Guaranteed Analysis Protein Min. 45% * * * Manufactured by Norfolk Tallow Co., Norfolk, Va."

Analysis by the Bureau of Chemistry of this department of a sample of the beef scraps showed that it contained 52.5 per cent protein and 2.39 per cent crude fiber; analysis of a sample of the Extra Quality meat scraps and of the High AA Grade meat scraps showed that they contained 57.88 per cent and 41.55 per cent, respectively, of protein.

Adulteration of the articles was alleged in the information for the reason that a product containing less protein than declared on the labels, and also containing, in respect to the so-called ground beef scraps, more fiber than declared, had been mixed and packed with the said articles so as to reduce and lower and injuriously affect their quality and strength and had been substituted for the said articles.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 55 to 65% Fiber 1 to 2%," "100 Lbs. Net * * * Extra Quality Meat Scraps * * * Guaranteed Analysis Protein Min. 55%," and "High AA Grade Meat Scraps * * * Guaranteed Analysis Protein Min. 45%," borne on the respective labels of the articles, were false and misleading, in that the said statements represented that the articles contained not less than 55 per cent of protein, or not less than 45 per cent of protein, as the case might be, that the so-called ground beef scraps contained not more than 2 per cent of fiber, and that the bags containing the meat scraps shipped May 15, 1924, into South Carolina, contained 100 pounds thereof, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were as above represented, whereas the articles contained less protein than declared on the respective labels, the said ground beef scraps contained more than 2 per cent of fiber, and the bags containing the said shipment into South Carolina contained less than 100 pounds of meat scraps. Misbranding was alleged with respect to the said shipment into South Carolina for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the actual contents of the bag was less than represented.

On November 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

W. M. JARDINE, *Secretary of Agriculture.*

14449. Adulteration and misbranding of canned tomatoes. U. S. v. 450 Cases and 385 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19457. I. S. Nos. 13447-v, 13448-v. S. No. E-5090.)

On or about January 5, 1925, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 835 cases of canned tomatoes, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Davis Canning Co., from Laurel, Del., on or about October 6, 1924, and transported from the State of Delaware into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, added water, had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the label bore the statement "Tomatoes," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On March 9, 1925, the Davis Canning Co., Laurel, Del., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum

of $1,600, conditioned in part that it be relabeled: "Water 50% Tomatoes 50% * * * These Tomatoes Were Canned With An Additional Equal Amount Of Water Packed By Davis Canning Co. Laurel, Del. Canned Tomatoes Should Be Packed In Their Own Juice Without Added Water."

W. M. JARDINE, *Secretary of Agriculture.*

14450. Adulteration and misbranding of vanilla extract. U. S. v. 5⅞ Gallons of Vanilla Extract. Product ordered released under bond to be relabeled. (F. & D. No. 20348. I. S. No. 6808–x. S. No. E–5460.)

On August 19, 1925, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5⅞ gallons of vanilla extract at Wilkes-Barre, Pa., alleging that the article had been shipped by Theall, Steffan & Co., from New York, N. Y., on or about June 6, 1925, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "One Gallon Vanilla Ext. A. A. X. Theall & Pile, Inc. Essential Oils Extract * * * New York."

Adulteration of the article was alleged in the libel for the reason that a substance, an imitation vanilla extract, had been mixed and packed therewith so as to reduce, lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label "Vanilla Ext. A. A. X." was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On September 28, 1925, the Hannagan Supply Co., Wilkes-Barre, Pa., having appeared as claimant for the property, a decree was entered, ordering that the claimant be permitted to affix to the goods a label reading in part: "Imitation Vanilla Extract Contains Vanillin, Coumarin, Vanilla and Caramel," upon the entry of a bond in the sum of $500, and that upon compliance with the terms of the decree and payment of the costs of the proceedings the monition and warrant of arrest be vacated and set aside.

W. M. JARDINE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 14401 TO 14450

[1] Contains opinion of the court.

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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 14451–14500

[Approved by the Secretary of Agriculture, Washington, D. C., November 8, 1926]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

14451. Adulteration and misbranding of cottonseed feed and cottonseed meal. U. S. v. Fremont Oil Mill Co. Plea of guilty. Fine, $100 and costs. (F. & D. No. 19701. I. S. Nos. 9024–v, 21297–v.)

On December 9, 1925, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Fremont Oil Mill Co., a corporation, Fremont, N. C., alleging shipment by said company, in violation of the food and drugs act, on or about November 14, 1924, from the State of North Carolina into the State of Massachusetts, of a quantity of cottonseed feed, and on or about December 12, 1924, from the State of North Carolina into the State of Maryland, of a quantity of cottonseed meal which were adulterated and misbranded. The articles were labeled in part, respectively: "Danish Brand Cotton Seed Feed Guaranteed Analysis Protein 36.00% * * * Crude Fibre (Max.) 15.00%," and "Paramount Brand * * * Good Cotton Seed Meal * * * Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00% * * * Crude Fibre (maximum) 14.00%."

Analysis by the Bureau of Chemistry of this department of a sample of the cottonseed feed showed 32.06 per cent protein and 16.4 per cent crude fiber; analysis of a sample of the cottonseed meal showed 30.5 per cent protein, 5.93 per cent ammonia and 17.24 per cent crude fiber.

Adulteration of the cottonseed feed was alleged in substance in the information for the reason that a product containing less than 36 per cent of protein and more than 15 per cent of crude fiber had been substituted for the article. Adulteration of the so-called cottonseed meal was alleged for the reason that a cottonseed feed containing less than 36 per cent of protein and less than 7 per cent of ammonia and more than 14 per cent of crude fiber had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength and had been substituted for the article.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 36.00% * * * Crude Fibre (Max.) 15.00%," with respect to the cottonseed feed, and the statements, to wit, "Paramount Brand Good Cotton Seed Meal * * * Guaranteed Analysis Protein (mini-

mum) 36.00% Ammonia (minimum) 7.00% * * * Crude Fibre (maximum) 14.00%," with respect to the so-called cottonseed meal, were false and misleading, in that the said statements represented that the former contained 36 per cent of protein and not more than 15 per cent of crude fiber, and that the latter was paramount brand good cottonseed meal, i. e., cottonseed meal superior to all other brands, that it had a minimum protein content of 36 per cent, a minimum ammonia content of 7 per cent, and a maximum crude fiber content of 14 per cent, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were as represented, whereas the said cottonseed feed contained less than 36 per cent of protein and more than 15 per cent of crude fiber, and the so-called cottonseed meal was not paramount brand cottonseed meal superior to all other brands, but was cottonseed feed containing less than 36 per cent of protein, containing less than 7 per cent of ammonia, and more than 14 per cent of crude fiber. Misbranding of the so-called cottonseed meal was alleged for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, to wit, cottonseed meal.

On May 31, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14452. Misbranding of oleomargarine. U. S. v. 60 Cartons, et al., of Oleomargarine. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20995. I. S. No. 2204-x. S. No. C-5063.)

On April 3, 1926, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 cartons of oleomargarine, remaining unsold at Dayton, Ohio, consigned by the Standard Nut Margarine Co., Indianapolis, March 19, 1926, alleging that the article had been shipped in interstate commerce from Indianapolis, Ind., into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Standard Oleomargarine One Pound Net Weight Nut Margarine," (wrapper) "1 Lb. Net Weight Oleomargarine Standard Nut Margarine Company Indianapolis, Indiana."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net Weight," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 20, 1926, Charles Wood, Dayton, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it be salvaged, or relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14453. Adulteration and misbranding of ether. U. S. v. 92 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21040. I. S. No. 10553-x. S. No. W-1964.)

On April 26, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on April 27, 1926, an amended libel praying seizure and condemnation of 92 cans of ether, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., February 24, 1926, and transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mallinckrodt One Pound Ether U. S. P. VIII Mallinckrodt Chemical Works."

Adulteration of the article was alleged in the libel for the reason that it fell below the professed standard under which it was sold, and for the further reason that it contained a material amount of non volatile matter, which was not permitted by the specifications of the 8th revision of the United States

Pharmacopœia, and in that it also failed to meet the requirements of the 8th revision of the said pharmacopoeia for absence of acid.

Misbranding was alleged for the reason that the statement "Ether U. S. P. VIII," borne on the labels, was false and misleading.

On May 11, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14454. Misbranding and alleged adulteration of feed. U. S. v. 79 Sacks of So-Called General Feed. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20819. I. S. No. 8430-x. S. No. C-4926.)

On December 16, 1925, the United States attorney for the District of Kansas, acting upon a report by the Secretary of the Kansas State Board of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 79 sacks of so-called general feed, remaining in the original unbroken packages at Corning, Kans., alleging that the article had been shipped by the General Commission Co., Kansas City, Mo., on or about October 1, 1925, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "100# Net Weight When Packed. General Feed Distributed By General Commission Co., Kansas City, Mo. Protein, not less than 16.00% * * * Crude Fiber, not more than 8.50%."

It was alleged in the libel that the article was adulterated, in that it contained more than 8.5 per cent of crude fiber and less than 16 per cent of protein.

Misbranding was alleged for the reason that the statement on the label to the effect that the article contained not more than 8.5 per cent of crude fiber and not less than 16 per cent of protein was false, in that it contained more than 8.5 per cent of crude fiber and less than 16 per cent of protein. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not correctly stated on the outside of the package.

On January 20, 1926, the Blue Rapids Mill & Elevator Co., Blue Rapids, Kans., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the said product be released to the claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, conditioned in part that it be relabeled to show its true contents.

W. M. JARDINE, *Secretary of Agriculture.*

14455. Adulteration and misbranding of jellies. U. S. v. Shenandoah Valley Apple Cider & Vinegar Co. Plea of guilty. Fine, $100 and costs. (F. & D. No. 19665. I. S. Nos. 16301-v, 16302-v, 16373-v, 16374-v, 16375-v.)

On August 15, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Shenandoah Valley Apple Cider & Vinegar Co., a corporation, Winchester, Va., alleging shipment by said company, in violation of the food and drugs act, on or about October 9, 1924, from the State of Virginia into the State of North Carolina, of quantities of jellies which were adulterated and misbranded. The articles were labeled in part: (Glass) "Apple-Raspberry Flavor Jelly" (or "Apple Jelly" or "Apple-Cherry Flavor Jelly" or "Apple-Strawberry Flavor Jelly" or "Apple-Blackberry Flavor Jelly") "Pure Cane Sugar And Apple Pectin. Shenandoah Valley Apple Cider & Vinegar Co. Winchester, Va."

Adulteration of the articles was alleged in the information for the reason that certain substances, to wit, pectin and sugar, had been mixed and packed with the said articles so as to lower and reduce and injuriously affect their quality and strength and in that pectin jellies had been substituted in part for the said articles.

Misbranding was alleged for the reason that the statements, to wit, "Apple-Raspberry Flavor Jelly," "Apple Jelly," "Apple-Cherry Flavor Jelly," "Apple-Strawberry Flavor Jelly," and "Apple-Blackberry Flavor Jelly," borne on the

labels of the respective articles, were false and misleading, in that the said statements represented that the articles consisted wholly of apple-raspberry flavor jelly, apple jelly, apple-cherry flavor jelly, apple-strawberry flavor jelly, or apple-blackberry flavor jelly, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted wholly of the above named jellies, whereas they did not but did consist in large part of pectin and sugar. Misbranding was alleged for the further reason that the articles were offered for sale and sold under the distinctive names of other articles.

On October 26, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14456. Misbranding of cottonseed cake. U. S. v. 400 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20736. I. S. No. 3779–x. S. No. C–4921.)

On December 29, 1925, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of cottonseed cake, remaining in the original unbroken packages at Onaga, Kans., alleging that the article had been shipped by the Dallas Oil & Refining Co., from Dallas, Tex., on or about December 7, 1925, and transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cotton Seed Meal And Cake. Protein not less than 43%."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein not less than 43%," borne on the label, was false and misleading and deceived and misled the purchaser to believe that the said article contained not less than 43 per cent of protein, when, in truth and in fact, it contained a much less amount.

On January 11, 1926, the Dallas Oil & Refining Co., Dallas, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $750, conditioned in part that it be relabeled to show the true contents.

W. M. JARDINE, *Secretary of Agriculture.*

14457. Misbranding of cottonseed meal. U. S. v. 100 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20765. I. S. No. 3807–x. S. No. C–4929.)

On January 14, 1926, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 sacks of cottonseed meal, remaining in the original unbroken packages at Osborne, Kans., alleging that the article had been shipped by the Planters Cottonseed Products Co., from Dallas, Tex., on or about December 21, 1925, and transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cottonseed Meal."

Misbranding of the article was alleged in the libel for the reason that the statement "43% Protein," borne on the labels, was false and misleading and deceived and misled the purchaser into the belief that the said article contained not less than 43 per cent of protein, when, in truth and in fact, it contained a much less amount.

On March 19, 1926, the Farmers Union Cooperative Assoc., Osborne, Kans., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $250, conditioned in part that it be relabeled to show its true contents.

W. M. JARDINE, *Secretary of Agriculture.*

14458. Adulteration and misbranding of sirup. U. S. v. 95 Cans of Sirup. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 20083. I. S. No. 24781–v. S. No. C–4736.)

On May 26, 1925, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 95 cans of sirup, remaining in the original unbroken packages at Orange, Tex., alleging that the article had been shipped by W. & L. Hartman, Abbeville, La., on or about April 11, 1925, and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "No 10 Can Hartman's Choice Syrup Sold By W. & L. Hartman On The Steamer 'City of Rome' * * * Abbeville, Louisiana."

Adulteration of the article was alleged in the libel for the reason that it contained commercial glucose, which said glucose had been mixed and packed with the article so as to reduce and lower and injuriously affect the quality and strength of the sirup, and in that glucose had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Choice Syrup" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On November 17, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be sold by the United States marshal, provided the purchaser execute a bond in the amount of $200, conditioned that it not be sold in violation of law, otherwise that it be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

14459. Adulteration of canned shrimp. U. S. v. 14 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21006. I. S. No. 5626–x. S. No. E–5700.)

On April 5, 1926, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 cases of canned shrimp, remaining in the original unbroken packages at Elmira, N. Y., alleging that the article had been shipped by the Marine Products, Inc., from New Orleans, La., on or about October 9, 1925, and transported from the State of Louisiana into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Marine Fancy Marine Shrimp Wet Pack * * * Marine Products, Inc. New Orleans, La., Distributors."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed or putrid animal substance.

On June 30, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

14460. Misbranding of Sayman's wonder herbs. U. S. v. 30 Packages of Sayman's Wonder Herbs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19099. S. No. C–4518.)

On October 31, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 packages of Sayman's wonder herbs, at Toledo, Ohio, alleging that the article had been shipped by the T. M. Sayman Products Co., St. Louis, Mo., in part on or about August 7, 1924, and in part on or about August 18, 1924, and transported from the State of Missouri into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tin box) "Sayman's Wonder Herbs a blood medicine * * * A boon for suffering women * * * Guaranteed," (carton) "Sayman's Wonder Herbs A Blood Medicine * * * Regulates the Liver and Kidneys, cleanses the Blood and aids Digestion * * * For * * * Dyspepsia, Loss of Appetite * * * Sick Headache * * *

LaGrippe, Chills and Fever, Intermittent or Remittent Fever, Weak or Impaired Kidneys, Biliousness, Nervousness, Impure Blood, Rheumatism, Scrofula, Female Complaints and Blood Poison * * * Beneficial to Women, suffering from those ailments peculiar to their sex. A valuable treatment for LaGrippe and its after effects, Malaria, Chills, Fever or Ague, and all diseases arising from an impoverished condition of the blood * * * disorders of the stomach, liver, and kidneys," (small circular accompanying the article) "the Bitter that is needed for the Blood and the Gall Bladder is furnished through the medium of Sayman's Wonder Herbs—the greatest Blood and Liver Medicine ever compounded * * * an effective Blood Medicine," (retail price list) "for the blood, stomach, liver and kidneys."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of a mixture of gentian, ginger, rhubarb, licorice, cascara sagrada, buchu, senna, and sodium carbonate or bicarbonate.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the statement borne on the tin box containing the article, "Composed of Roots, Herbs, And Barks," and the statement in the circular "All Herbs," were false and misleading, in that sodium carbonate or bicarbonate was one of the ingredients.

On June 2, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14461. Misbranding of butter. U. S. v. 10 Cartons. 500 Pounds, of Butter. Decree entered, finding product misbranded and ordering its release under bond. (F. & D. No. 20456. I. S. No. 2119-x. S. No. C-4812.)

On August 17, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cartons containing 500 pounds of butter, at Toledo, Ohio, alleging that the article had been shipped by the Angola Co-operative Dairy Products Co., Angola, Ind., August 13, 1925, and transported from the State of Indiana into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in substance in the libel that the article violated section 8 paragraph 3 of the said act, in that it bore no label or mark to show the net contents.

On February 10, 1926, the Angola Co-operative Dairy Products Co., Angola, Ind., and the Franklin Creamery Co., Toledo, Ohio, having appeared and admitted the allegations of the libel, judgment was entered, finding the product misbranded and ordering that it be released to the Franklin Creamery Co. upon payment of the costs of the proceedings and the execution of a bond in the sum of $395, conditioned in part that it be properly labeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14462. Adulteration of canned blueberries. U. S. v. 24 Cases and 86 Cases of Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18527, 18626. I. S. Nos. 12463-v, 19349-v, 19350-v. S. Nos. C-4320, C-4342.)

On April 8 and 28, 1924, respectively, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 110 cases of canned blueberries, at Toledo, Ohio, alleging that the article had been shipped by the A. & R. Loggię Co., Ltd., from Columbia Falls, Me., on or about September 24, 1923, and transported from the State of Maine into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand Blueberries * * * Packed At Columbia Falls, Maine. By A. & R. Loggie Co. Limited Of Loggieville, N. B. Canada."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On September 22, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14463. Adulteration and misbranding of jellies. U. S. v. 91 Cases of Assorted Jellies. Default decree of condemnation and forfeiture. Products ordered delivered to Salvation Army or destroyed. (F. & D. No. 18908. I. S. Nos. 18501-v, 18502-v, 18503-v, 18504-v. S. No. C-4035.)

On or about August 14, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 91 cases of assorted jellies, at Toledo, Ohio, alleging that the articles had been shipped by the Lutz & Schramm Co., Allegheny, Pa., on or about April 11, 1924, and transported from the State of Pennsylvania into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) "Lusco Brand Corn Syrup Apple Pectin Jelly Apple" (or "Grape" or "Blackberry" or "Currant") "with added Phosphate Lutz & Schramm Co. Pittsburgh, Pa."

Adulteration of the articles was alleged in the libel for the reason that substances, colored glucose pectin jellies containing added phosphoric acid, had been mixed and packed therewith so as to reduce, lower or injuriously affect their quality or strength and had been substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the statements "Apple Pectin Jelly" and "Apple," "Grape," "Blackberry" or "Currant," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On October 2, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be tendered to the Salvation Army by the United States marshal, and, if not accepted, that they be destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

14464. Misbranding of salad oil. U. S. v. 9 Cans, et al., of Salad Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20586. I. S. Nos. 6953-x, 6954-x, 6955-x. S. No. E-5563.)

On December 3, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 75 cans of salad oil, remaining in the original unbroken packages at Bridgeport, Conn., alleging that the article had been delivered for shipment into the State of Connecticut, on or about September 15, 1925, by the Reliable Importing Co., New York, N. Y., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Contadina Brand Oil Superior Quality Pure Vegetable Salad Oil 0.98 Of One Gallon Or 7½ Lbs. Net," (or "0.98 Of ½ Gallon Or 3¾ Lbs. Net" or "0.98 Of ¼ Gallon Or 1⅞ Lbs. Net"). The cartons containing the various sized cans were labeled: "Six-1 Gal. Cans," "12—½ Gal. Cans," and "24—¼ Gal. Cans," respectively.

Misbranding of the article was alleged in the libel for the reason that the labels on the cans, to wit, "0.98 Of One Gallon Or 7½ Lbs. Net," or "0.98 Of ½ Gallon Or 3¾ Lbs. Net," or "0.98 Of ¼ Gallon Or 1⅞ Lbs. Net," as the case might be, and the labels on the shipping packages containing the respective sized cans, "Six-1 Gal. Cans," "12—½ Gal. Cans," and "24—¼ Gal. Cans," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were not correct.

On June 3, 1926, the Reliable Importing Co., Inc., New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execu-

tion of a bond in the sum of $150, conditioned in part that it be recanned under the supervision of this department so that the cans contain the proper volume, and that it be relabeled to show the true volume, to wit, 1 full gallon, ½ gallon, or ¼ gallon, as the case might be.

W. M. JARDINE, *Secretary of Agriculture.*

14465. Adulteration and misbranding of jellies. U. S. v. 85 Cases of Assorted Jellies. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 20100. I. S. Nos. 20402–v, 20403–v, 20404–v, 20411–v, 20459–v, 20927–v to 20932–v, incl. S. No. W–1719.)

On June 4, 1925, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 85 cases of assorted jellies, remaining in the original unbroken packages in part at San Diego, Calif., and in part at El Centro, Calif., alleging that the articles had been shipped by the Everett Fruit Products Co., from Everett, Wash., on or about April 29, 1925, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Jar) "My-T-Fine Apple Jelly" (or "Crab Apple Jelly" or "Apple Loganberry Jelly" or "Apple Raspberry Jelly" or "Apple Strawberry Jelly" or "Apple Blackberry Jelly") "Everett Fruit Products Co., Everett, Wash. 6 Oz."

It was alleged in the libel that the apple jelly and the crabapple jelly were adulterated, in that pectin jellies containing added acid had been substituted wholly or in part for the articles, and in that pectin had been mixed and packed with the said articles so as to reduce, lower or injuriously affect their quality or strength.

Adulteration was alleged with respect to the remaining jellies for the reason that imitation jellies artificially colored and containing pectin and added acid had been substituted wholly or in part for the articles, for the further reason that pectin had been mixed or packed therewith so as to reduce, lower or injuriously affect their quality or strength, and for the further reason that they had been colored in a manner whereby damage or inferiority was concealed.

Misbranding of the said apple and crabapple jellies was alleged for the reason that they were labeled in part, "Apple Jelly," "Crab Apple Jelly," which statements were false and misleading when applied to pectin jellies containing added acid. Misbranding was alleged with respect to the remaining jellies for the reason that they were labeled in part, "Apple Strawberry," "Apple Raspberry," and "Apple Blackberry," which statements were false and misleading when applied to artificially colored pectin jellies containing added acid. Misbranding was alleged with respect to all the jellies for the further reason that they were offered for sale under the distinctive name of other articles, and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the container, since the quantity of food contained in the jars was less than stated on the label.

On December 22, 1925, the Everett Fruit Products Co., Everett, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that they be relabeled in a manner satisfactory to this department.

W. M. JARDINE, *Secretary of Agriculture.*

14466. Adulteration and misbranding of cottonseed cake. U. S. v. Vernon Cotton Oil Co. Plea of guilty. Fine, $100. (F. & D. No. 19666. I. S. No. 22005–v.)

On July 22, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Vernon Cotton Oil Co., a corporation, Vernon, Tex., alleging shipment by said company, in violation of the food and drugs act, on or about June 30, 1924, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was adulterated and misbranded. The article was labeled in part: (Tag) "43% Protein Cottonseed Cake Prime Quality Manufactured by Vernon

Cotton Oil Company Vernon, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

Analysis by the Bureau of Chemistry of this department of a sample of the article from the shipment showed 41.16 per cent of protein.

Adulteration of the article was alleged in the information for the reason that a product which contained less than 43 per cent of protein had been substituted for 43 per cent protein cottonseed cake, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "43% Protein Cottonseed Cake" and "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent," borne on the label, were false and misleading, in that the said statements represented that the article was 43 per cent protein cottonseed cake, and contained not less than 43 per cent of crude protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was 43 per cent protein cottonseed cake, and contained not less than 43 per cent of crude protein, whereas it was a product which contained less than 43 per cent of crude protein.

On November 16, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

W. M. Jardine, *Secretary of Agriculture.*

14467. Adulteration of canned string beans. U. S. v. 886 Cases and 95 Cases of String Beans. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 19563, 20693. I. S. Nos. 23168–v, 4258–x. S. Nos. C–4637, C–4897.)

On February 9 and December 7, 1925, respectively, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 981 cases of canned string beans, remaining in the original packages in part at Anthony, Kans., and in part at Arkansas City, Kans., alleging that the article had been shipped by Appleby Bros., in part from Fayetteville, Ark., and in part from West Fork, Ark., on or about July 25, 1924, and September 15, 1925, respectively, and transported from the State of Arkansas into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sahara Brand" (or "Zat-Zit Brand") "Cut String Beans * * * Packed by Appleby Bros. Fayetteville, Ark."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On September 22, 1925, and March 4, 1926, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

14468. Misbranding of cottonseed cake. U. S. v. Munday Cotton Oil Co. Plea of guilty. Fine, $100. (F. & D. No. 19722. I. S. No. 23099–v.)

In the month of March, 1926, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Munday Cotton Oil Co., a corporation, Munday, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, on or about January 20, 1925, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: (Tag) "100 Pounds (Net) 43 Percent Protein Cottonseed Cake Prime Quality Manufactured by Munday Cotton Oil Company Munday, Texas Guaranteed Analysis Crude Protein not less than 43.00 Per Cent."

Analysis by the Bureau of Chemistry of this department of 1 sample from the shipment showed 39.18 per cent protein, and examination of 40 sacks of the article showed an average net weight of 98.86 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "43 Percent Protein," "Guaranteed Analysis Crude Protein not less than 43.00 Per Cent," and "100 Pounds (Net)," borne on the labels, were false and misleading, in that the said statements represented that the article contained not less than 43 per cent of protein, and that it

contained not less than 43 per cent of crude protein, and that each of the sacks contained 100 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein and not less than 43 per cent of crude protein, and that each sack contained 100 pounds net of the article, whereas it contained less than 43 per cent of protein, less than 43 per cent of crude protein, and the said sacks contained less than 100 pounds net of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 29, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

W. M. JARDINE, *Secretary of Agriculture.*

14469. Misbranding of cottonseed cake. U. S. v. Wichita Falls Cotton Oil Co. Plea of guilty. Fine, $250. (F. & D. No. 19656. I. S. No. 23033–v.)

On June 15, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Wichita Falls Cotton Oil Co., a corporation, Wichita Falls, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, on or about October 13, 1924, from the State of Texas into the State of Oklahoma, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: (Tag) "100 Pounds (Net) * * * Cottonseed Cake Prime Quality Manufactured By Wichita Falls Cotton Oil Company Wichita Falls, Texas."

Examination by the Bureau of Chemistry of this department of 32 sacks of the article from the shipment showed an average net weight of 97.4 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds (Net)," borne on the tags attached to the sacks containing the said article, was false and misleading, in that the said statement represented that each sack contained 100 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said sacks contained 100 pounds net of the said article, whereas they did not but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 17, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $250.

W. M. JARDINE, *Secretary of Agriculture.*

14470. Misbranding of cottonseed cake. U. S. v. Commerce Oil Mill Co. Plea of guilty. Fine, $50. (F. & D. No. 19683. I. S. No. 23876–v.)

On September 30, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Commerce Oil Mill Co., a corporation, Commerce, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 6, 1924, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "100 Pounds (Net) * * * Cottonseed Cake Prime Quality Manufactured by Commerce Oil Mill Company, Commerce, Texas."

Examination by the Bureau of Chemistry of this department of 20 sacks of the article from the shipment showed an average net weight of 97.61 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds (Net)," borne on the tag attached to each of the sacks containing the said article, was false and misleading, in that the said statement represented that each sack contained 100 pounds of cottonseed cake, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each sack contained 100 pounds of cottonseed cake, whereas the said sacks did not each contain 100 pounds of the article, but did contain in each of a number of said sacks less than 100 pounds. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the

contents was not plainly and conspicuously marked on the outside of the package.

On January 13, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

W. M. Jardine, *Secretary of Agriculture.*

14471. Adulteration and misbranding of canned oysters. U. S. v. 87 Cases of Canned Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20049. I. S. No. 9592–v. S. No. C–4720.)

On April 30, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on June 26, 1925, an amended libel praying seizure and condemnation of 87 cases of canned oysters, remaining in the original cans, at Dallas, Tex., alleging that the article had been shipped by the Marine Products Co., from Biloxi, Miss., on or about March 11, 1925, and transported from the State of Mississippi into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Cocktail Brand Oysters Contents 5 Ozs. Oyster Meat Packed By Biloxi Fishermen's Packing Co. Of Biloxi, Miss."

Adulteration of the article was alleged in the libel for the reason that a substance, brine and water, had been mixed and packed therewith so as to reduce, lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Contents 5 Ozs." was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the said cans did not contain 5 ounces of the product.

On May 10, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

14472. Adulteration and misbranding of rice bran. U. S. v. 200 Sacks and 159 Sacks of Rice Bran. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21151, 21154. I. S. No. 7444–x. S. Nos. E–5741, E–5746.)

On June 24 and 28, 1926, the United States attorney for the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 359 sacks of rice bran, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Leona Rice Mill, from New Orleans, La., in part on or about March 20, 1926, and in part on or about March 26, 1926, and transported from the State of Louisiana into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "100 Pounds Net Leona Rice Mill New Orleans, La. Rice Bran Guaranteed Analysis Protein 11.00 Per Cent. Fat 13.00 Per Cent. Fibre 9.97 Per Cent."

Adulteration of the article was alleged in the libels for the reason that a substance containing excessive rice hulls, deficient in protein and fat, and containing excessive fiber, had been mixed and packed therewith so as to reduce, lower and injuriously affect its quality and strength and had been substituted in part for rice bran, which the said article purported to be.

Misbranding was alleged for the reason that the statements, borne on the label, "100 Pounds Net" and "Rice Bran Guaranteed Analysis Protein 11.00 Per Cent Fat 13.00 Per Cent," were false and misleading and deceived and misled the purchaser, in that the sacks did not contain 100 pounds net weight, and the product did not contain 11 per cent of protein and did not contain 13 per cent of fat, but was deficient in protein and fat, and contained more than 9.97 per cent of fiber. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the statement "100 Pounds Net," borne on the label, was not correct.

On July 20, 1926, the cases having been consolidated into one cause of action and the Leona Rice Mills, New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libels, judgment of

condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned in part that it be reworked so as to eliminate any excess fiber, and so that it contain not less than 11½ per cent of protein and not less than 10 per cent of fat, and that it be repacked and labeled to show the true net weight, and the true percentage of protein, fat and fiber contained therein.

W. M. JARDINE, *Secretary of Agriculture.*

14473. Adulteration of shell eggs. U. S. v. St. Francis Mercantile Equity Exchange. Plea of guilty. Fine, $25 and costs. (F. & D. No. 19693. I. S. No. 20817–v.)

On November 17, 1925, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the St. Francis Mercantile Equity Exchange, a corporation, St. Francis, Kans., alleging shipment by said company, in violation of the food and drugs act, on or about October 21, 1924, from the State of Kansas into the State of Colorado, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 5 half cases of the article showed 15.44 per cent of inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On April 17, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14474. Adulteration and misbranding of butter. U. S. v. Aug. F. Kaup and Clarence E. Chamberlain (Community Creamery Co.). Pleas of guilty. Fines, $20 and costs. (F. & D. No. 19691. I. S. Nos. 19170–v, 23107–v, 23976–v.)

On January 16, 1926, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Aug. F. Kaup and Clarence E. Chamberlain, copartners, trading as Community Creamery Co., Riley, Kans., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, on or about January 28, and February 2 and 6, 1925, respectively, from the State of Kansas into the State of Illinois, of quantities of butter which was adulterated and misbranded.

Adulteration of the article was alleged in the information for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter, which it purported to be but was not, in that it contained less than 80 per cent by weight of milk fat, as required by law.

On April 12, 1926, the defendants entered pleas of guilty to the information, and the court imposed fines aggregating $20 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14475. Adulteration and misbranding of butter. U. S. v. Clarence H. Waldman (Fredonia Creamery Co.). Plea of guilty. Fine, $20 and costs. (F. & D. No. 19727. I. S. No. 2560–x.)

On January 21, 1926, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clarence H. Waldman, trading as Fredonia Creamery Co., Fredonia, Kans., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 17, 1925, from the State of Kansas into the State of Oklahoma, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Meadow Rose Creamery Butter * * * This Butter Is Made * * * By The Fredonia Creamery Co. * * * Fredonia, Kansas."

Adulteration of the article was alleged in the information for the reason that a substance that contained less than 80 per cent by weight of milk fat had been

substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Creamery Butter," borne on the label, was false and misleading, in that the said statement represented that the product was butter, to wit, an article containing not less than 80 per cent by weight of milk fat, as prescribed by law, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, whereas it was not butter as defined by law, but was a product which contained less than 80 per cent by weight of milk fat.

On May 3, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20 and costs.

W. M. JARDINE, *Secretary of Agriculture*

14476. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21179. I. S. No. 14003-x. S. No. C-5178.)

On or about June 23, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Adair Creamery Co., from Adair, Iowa, June 10, 1926, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom and for the further reason that it contained less than 80 per cent of butterfat.

On June 26, 1926, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it be reprocessed under the supervision of this department so that it contain not less than 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

14477. Adulteration of tomato catsup. U. S. v. 11½ Cases and 28 Cases of Tomato Catsup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20642. I. S. Nos. 1938-x, 1939-x. S. No. C-4859.)

On November 24, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11½ cases containing bottles, and 28 cases containing jugs, of tomato catsup, at Dayton, Ohio, consigned by the De Schipper Canning Co., Carthage, Ind., October 3, 1925, alleging that the article had been shipped in interstate commerce from the State of Indiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Kardinal Brand Tomato Catsup * * * Manufactured By De Schipper Canning Co., Carthage, Ind."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On February 3, 1926, the DeSchipper Canning Co., Carthage, Ind., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be salvaged, or relabeled under the supervision of this department, upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

14478. Misbranding of Tonico Para Los Nervios. U. S. v. 144 Bottles of Tonical Para Los Nervios (Tonico Para Los Nervios). Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20789. I. S. No. 637–x. S. No. W–1851.)

On January 23, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 144 bottles of Tonico Para Los Nervios, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Henry S. Wampole Co., alleging that the article had been shipped from Baltimore, Md., on or about December 5, 1925, and transported from the State of Maryland into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained calcium, sodium, potassium and strychnine glycerophosphates, a trace of lecithin, sugar, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the labels containing the following statements, regarding its curative or therapeutic effect, (bottle label, in Spanish) "An efficacious remedy for nervous prostration, nervous exhaustion, nervous debility, irritability caused by nervous tension, insomnia, hysteria, etc.," (carton, in Spanish) "An efficacious remedy for nervous prostration (neurasthenia), nervous exhaustion, nervous debility, irritability caused by nervous tension, insomnia, hysteria, etc. * * * For all cases in which the nervous system has been debilitated and the resistance lowered by excess of work, fatigue, excessive preoccupations, deficient alimentation and excess of any kind," which statements were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 23, 1926, the Henry S. Wampole Co., Baltimore, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $75, conditioned in part that it be relabeled in a manner satisfactory to this department.

W. M. Jardine, *Secretary of Agriculture.*

14479. Misbranding of cottonseed meal. U. S. v. 51 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 19986. I. S. No. 17426–v. S. No. E–5282.)

On April 16, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 51 sacks of cottonseed meal, at Christiansburg, Va., alleging that the article had been shipped by the Wilmington Oil & Fertilizer Co., from Wilmington, N. C., November (on or about November 24), 1924, and transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Empire Choice Cotton Seed Meal Guaranteed Analysis Protein, not less than 41.12% Equivalent to Ammonia 8.00% * * * Fibre, not more than 10.00%."

Misbranding of the article was alleged in the libel for the reason that the statements, "Choice Cotton Seed Meal Guaranteed Analysis Protein, not less than 41.12% Equivalent to Ammonia 8.00% * * * Fibre, not more than 10.00%," borne on the labels, were false and misleading and deceived and misled the purchaser, in that the said statements represented that the article contained not less than 41.12 per cent of protein, equivalent to 8 per cent of ammonia, and contained not more than 10 per cent of fiber, whereas the said article contained less than 41.12 per cent of protein, less than the equivalent of 8 per cent of ammonia, and contained more than 10 per cent of fiber.

On June 9, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

14480. Adulteration of butter. U. S. v. 50 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21181. I. S. No. 14034-x. S. No. C-5184.)

On or about June 29, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Heron Lake Creamery Co., Heron Lake, Minn., June 17, 1926, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On June 29, 1926, Coyne Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it be reprocessed under the supervision of this department so as to contain not less than 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

14481. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21182. I. S. No. 8342-x. S. No. E-5747.)

On June 25, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 tubs of butter, at New York, N. Y., alleging that the article had been shipped by the Dublin Creamery Co., Dublin, Ga., on or about June 17, 1926, and transported from the State of Georgia into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 1, 1926, the Dublin Creamery Co., Dublin, Ga., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, conditioned in part that it be reworked and reprocessed so as to contain not less than 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

14482. Adulteration and misbranding of butter. U. S. v. 37 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21184. I. S. No. 8145-x. S. No. E-5786.)

On June 28, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 37 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Welton Creamery Co., Welton, Iowa, on or about June 16, 1926, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 8, 1926, the Welton Creamery Co., Welton, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,100, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

14483. Adulteration and misbranding of butter. U. S. v. 99 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21185. I. S. No. 7577–x. S. No. E–5803.)

On July 6, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 99 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by T. N. Fosse, Ridgeway, Iowa, on or about June 26, 1926, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 9, 1926, O. A. Fosse, Ridgeway, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $3,000, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

14484. Adulteration and misbranding of canned sirup. U. S. v. 106 Cases of Canned Sirup. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21095. I. S. No. 1580–x. S. No. C–5157.)

On May 27, 1926, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 106 cases of canned sirup, remaining in the original unbroken packages at Houston, Tex., alleging that the article had been shipped by James T. Mary, Lafayette, La., February 16, 1926, and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that commercial glucose had been mixed and packed therewith so as to reduce, lower and injuriously affect its quality and strength and had been partly substituted for the said article.

Misbranding was alleged for the reason that the article was labeled, to wit, "Myer's Brand New Crop Open Kettle Country Made Louisiana Pure Ribbon Cane Syrup Pure Ribbon Cane Syrup, made from the very best ribbon cane Guaranteed 100 per cent pure, being cleaned mechanically by skimming and straining, retaining all of the sugar elements. Packed For Myers Product Co., Houston, Texas net weight 1 Lb 2 Ozs.," which said statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, pure sirup, and for the further reason that it was food in package form and the quantity of the contents was not plainly and

conspicuously marked on the outside of the packages in terms of liquid measure, said article being a liquid.

On July 13, 1926, James T. Mary, Lafayette, La., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it be relabeled so as to show that it consists of sirup and commercial glucose.

W. M. JARDINE, *Secretary of Agriculture.*

14485. Adulteration and misbranding of raspberry jam. U. S. v. 233 Cases of Raspberry Jam. Consent decree of forfeiture entered. Product released to claimant. (F. & D. No. 19868. I. S. No. 22892-v. S. No. C-5006.)

On March 4, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 233 cases of raspberry jam, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Hudson Valley Pure Food Co., Highland, N. Y., on or about December 6, 1924, and transported from the State of New York into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ballardvale Brand Pure Raspberry Jam Distributed by United Drug Company Boston, Mass."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive sugar, had been mixed and packed therewith so as to reduce, lower or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Pure Raspberry Jam," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 5, 1925, the United Drug Co., St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the filing of a certificate that it had been relabeled in compliance with the law, and it was further ordered that the claimant pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

14486. Adulteration of sweet potatoes. U. S. v. 55 Cases of Sweet Potatoes. Default decree of destruction entered. (F. & D. No. 20986. I. S. No. 690-x. S. No. W-1945.)

On March 27, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 55 cases of sweet potatoes, at San Pedro, Calif., alleging that on or about March 27, 1926, J. C. Riley, Los Angeles, Calif., had delivered the article for shipment in interstate commerce into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Barbara Brand Distributed By Purity Produce Corp., Los Angeles, Calif."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On May 15, 1926, no claimant having appeared for the property, judgment was entered, finding the product adulterated and ordering that it be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14487. Adulteration and misbranding of butter. U. S. v. Herschel M. Johnson (Johnson Creamery Co.). Plea of guilty. Fine, $100. (F. & D. No. 19320. I. S. Nos. 18838-v, 18839-v, 18841-v, 18843-v.)

On February 24, 1925, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herschel M. Johnson, trading as the Johnson Creamery Co., Stewardson, Ill.,

alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about July 11 and 15, 1924, respectively, from the State of Illinois into the State of Missouri, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled in part: "The Clover Blossom Brand" (or "Country Maid Highest Quality") "Fancy Creamery Butter * * * Johnson Creamery Co. Stewardson Illinois." The remainder of the said article was labeled in part, "Pure Butter."

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "Pure Butter," borne on the respective labels, were false and misleading, in that the said statements represented that the article consisted wholly of creamery butter, or pure butter, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, or pure butter, as the case might be, whereas it did not so consist but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the label, was false and misleading, in that the statement represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it contained less than 80 per cent by weight of milk fat.

On May 19, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100.

W. M. JARDINE, *Secretary of Agriculture.*

14488. Misbranding of butter. U. S. v. 147 Pounds of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20245. I. S. No. 24800-v. S. No. C-4766.)

On June 23, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 147 pounds of butter, remaining in the original packages at Dallas, Tex., consigned by the Climax Creamery Co., Shawnee, Okla., alleging that the article had been shipped from Shawnee, Okla., on or about June 16, 1925, and transported from the State of Oklahoma into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "American Beauty Butter * * * Manufactured By The Climax Creamery Co. Shawnee, Okla. One Pound Net."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the product was short weight.

On May 10, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14489. Misbranding of olive oil. U. S. v. 28 Gallon Cans and 13 Half-Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20921. I. S. No. 10489-x. S. No. W-1907.)

On or about March 11, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 gallon cans and 13 half-gallon cans of olive oil, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by A. Giurlani & Bro., from San Francisco, Calif., in various consignments, June 28, 1924, January 23, March 21, and October 16, 1925, respectively, and transported from the State of California

into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "R. C. Brand Imported Olive Oil Net Contents One Gallon" (or "Net Contents One Half Gallon").

Misbranding was alleged for the reason that the statements "Net Contents One Gallon," "Net Contents One Half Gallon," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 20, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14490. Misbranding of Mecca compound. U. S. v. 9 Dozen Packages, et al., of Mecca Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20876. I. S. No. 10484-x. S. No. W-1663.)

On February 27, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 dozen two-ounce packages, 5 dozen six-ounce packages, 5 dozen thirteen-ounce packages and ½ dozen three-ounce tubes of Mecca compound, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Foster-Dack Co., from Chicago, Ill., August 25, 1925, and transported from the State of Illinois into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of zinc oxide, petrolatum, and fat, with traces of menthol and thymol.

It was alleged in substance in the libel that the article was misbranded, in that the following statements borne on all the packages: "Healing * * * for all kinds of Sores and inflammation giving quick relief and aiding nature to make speedy cures * * * for * * * Barber's Itch, Eczema, Erysipelas, Hives, Salt Rheum * * * Blood Poison, Boils, Diphtheretic Sore Throat, Pneumonia and all kinds of inflammation," together with the following statements borne on the 13-ounce and 6-ounce packages: "A Triumph of Modern Chemistry * * * It Controls Pain to a Wonderful Degree and renders such valuable aid to Nature as to make recovery, in many cases, seem miraculous * * * If Burn is deep apply * * * as a poultice * * * for best results * * * In Pneumonia it renders to Nature most valuable assistance in controlling fever and affording relief to the patient * * * Sores, Salt Rheum, Erysipelas, Carbuncles, Boils, Felons, Frozen part * * * Rheumatism, Sprains * * * Sore Feet, Eczema, Hives and nearly all kinds of inflammation," were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On April 26, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14491. Misbranding of cottonseed cake. U. S. v. John F. Smith, Nathan B. Higbie, William B. Traynor. Pleas of guilty. Fine, $25 and costs. (F. & D. No. 19724. I. S. No. 22699-v.)

On February 15, 1926, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John F. Smith, Nathan B. Higbie, and William B. Traynor, trustees of the Consumers Cotton Oil Mills, Rotan, Tex., alleging shipment by said defendants, in violation of the food and drugs act, on or about January 10, 1925, from the State of Texas into the State of Colorado, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: (Tag) "43 Per Cent Protein Cracked Cottonseed Cake Prime Quality Manufactured By: Rotan Cotton Oil Mill, Rotan, Texas. Guaranteed Analysis Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent."

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "43 Per Cent Protein," "Guaranteed Analysis Crude

Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent," borne on the tags attached to the sacks containing the said article, were false and misleading, in that they represented that the article contained 43 per cent of crude protein and contained not more than 12 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 43 per cent of crude protein and not more than 12 per cent of crude fiber, whereas the article contained less than 43 per cent of crude protein, to wit, 39.86 per cent of crude protein, and contained more than 12 per cent of crude fiber, to wit, approximately 13.79 per cent of crude fiber.

On May 7, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14492. Adulteration of canned crab meat. U. S. v. 91 Cases of Canned Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21025. I. S. No. 8113-x. S. No. E-5699.)

On April 22, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 91 cases of canned crab meat, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Hale Co., from San Francisco, Calif., arriving on or about November 1, 1924, and that it had been transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Canned Crab * * * Packed In Japan."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed or putrid animal substance.

On May 7, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14493. Adulteration of canned sardines. U. S. v. 70 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20447. I. S. No. 6498-x. S. No. E-5405.)

On October 16, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 70 cases of sardines, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Maine Cooperative Sardine Co., from Eastport, Me., on or about July 16, 1925, and transported from the State of Maine into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sea Lion Brand Sardines * * * Packed By Seacoast Canning Co. Eastport, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed or putrid animal substance.

On June 22, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14494. Adulteration and misbranding of colchicum seed fluidextract, cinchona tincture, cinchona compound tincture, colchicum seed tincture, nux vomica tincture, nitroglycerin tablets, strychnine sulphate tablets, and codeine sulphate tablets. U. S. v. Standard Pharmaceutical Corporation. Plea of guilty. Fine, $250. (F. & D. No. 19741. I. S. Nos. 17372-v, 17377-v, 17378-v, 17379-v, 17380-v, 24283-v, 24284-v, 24287-v, 24288-v, 24291-v, 24292-v, 24293-v, 24296-v.)

On March 22, 1926, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Standard Pharmaceutical Corp., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about February 27, March 30, and April 23, 1925, respectively, from the State of Maryland into the State of West Virginia, of quantities of colchicum seed fluidextract, cinchona tincture, cinchona compound tincture, colchium

seed tincture, nux vomica tincture, nitroglycerin tablets, strychnine sulphate tablets and codeine sulphate tablets, which said products were adulterated and misbranded. The article was labeled in part: "Standard Pharmaceutical Corp. Baltimore, Md."

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that: The colchicum seed fluidextract yielded not more than 0.128 gram of colchicine per 100 mils, which is approximately one-third of the minimum requirement of the pharmacopoeia; the colchicum seed tincture yielded not more than 0.0088 gram of colchicine per 100 mils, which is approximately one-fourth the minimum requirement of the pharmacopoeia; the cinchona tincture yielded not more than 0.164 gram of the alkaloids of cinchona per 100 mils, which is approximately one-fifth of the minimum requirement of the pharmacopoeia; the cinchona compound tincture yielded not more than 0.348 gram of the alkaloids of cinchona per 100 mils, which is less than the minimum requirement of the pharmacopoeia: the nux vomica tincture yielded not less than 0.352 gram of the alkaloids of nux vomica per 100 mils, which is 34 per cent more than the maximum requirement of the pharmacopoeia; the nitroglycerin tablets labeled "1/100 Grain" contained 1/555 grain of nitroglycerin per tablet, those labeled "1/50 Grain" contained 1/83 grain of nitroglycerin per tablet and those labeled "1/150 Grain" contained 1/321 grain of nitroglycerin per tablet; the strychnine sulphate tablets labeled "1/2 Grain" contained 2/5 grain of strychnine sulphate per tablet and those labeled "1/4 Grain" contained 1/5 grain of strychnine sulphate per tablet; the codeine sulphate tablets labeled "1/2 Grain" contained 2/5 grain of codeine sulphate per tablet and those labeled "1/4 Grain" contained 1/5 grain of codeine sulphate per tablet.

Adulteration was alleged in the information with respect to the colchicum seed fluidextract, colchicum seed tincture, cinchona tincture, cinchona compound tincture, and nux vomica tincture, for the reason that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality and purity as determined by the tests laid down in said pharmacopoeia, official at the time of investigation of the articles, in that said pharmacopoeia provided that colchicum seed fluidextract should yield not less than 0.36 gram of colchicine per 100 mils, whereas it yielded not more than 0.128 gram of colchicine per 100 mils; the pharmacopoeia provided that colchicum seed tincture should yield not less than 0.036 gram of colchicine per 100 mils, whereas it yielded not more than 0.0088 gram of colchicine per 100 mils; the pharmacopoeia provided that cinchona tincture should yield not less than 0.8 gram of the alkaloids of cinchona per 100 mils, whereas it yielded not more than 0.164 gram of the alkaloids of cinchona per 100 mils; the pharmacopoeia provided that cinchona compound tincture should yield not less than 0.4 gram of the alkaloids of cinchona per 100 mils, whereas it yielded not more than 0.348 gram of the alkaloids of cinchona per 100 mils; and the pharmacopoeia provided that nux vomica tincture should yield not more than 0.263 gram of the alkaloids of nux vomica per 100 mils, whereas it yielded not less than 0.352 gram of the alkaloids of nux vomica per 100 mils, and the standard of strength, quality and purity of the said articles was not declared on the containers thereof. Adulteration of the said colchicum seed fluidextract and colchicum seed tincture, cinchona tincture, cinchona compound tincture and nux vomica tincture was alleged for the further reason that their strength, quality and purity fell below the professed standard and quality under which they were sold.

Adulteration of the nitroglycerin tablets, strychnine sulphate tablets and codeine sulphate tablets was alleged for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented that the said tablets contained 1/100 grain of nitroglycerin, 1/50 grain of nitroglycerin, 1/150 grain of nitroglycerin, 1/4 grain of strychnine sulphate, 1/2 grain of strychnine sulphate, 1/2 grain of codeine sulphate, or 1/4 grain of codeine sulphate, as the case might be, whereas each of said tablets contained less of the product than represented on the label thereof, the alleged 1/50 grain, 1/100 grain and 1/150 grain nitroglycerin tablets containing not more than 0.0119 grain, 0.00182 grain, and 0.00311 grain, respectively, of nitroglycerin to each tablet; the alleged 1/4 grain and 1/2 grain strychnine sulphate tablets containing not more that 0.173 grain and 0.38 grain, respectively, of strychnine sulphate to each tablet and the alleged 1/4 grain and 1/2 grain codeine sulphate tablets containing not more than 0.197 grain and 0.425 grain, respectively, of codeine sulphate to each tablet.

Misbranding of the colchicum seed fluidextract and colchicum seed tincture, cinchona tincture, cinchona compound tincture and nux vomica tincture was alleged for the reason that the statements, to wit, "Fluidextract Colchicum Seed U. S. P. IX * * * Standard 0.36 to 0.44 gramme of colchicine in 100 mils," "Tincture Colchicum Seed * * * U. S. P. * * * One hundred mils contains 0.036 gm. to 0.044 gm. Colchicine," Tincture Cinchona * * * U. S. P. * * * Assays 0.8 to 1 gm. Alkaloids in 100 mils," "Tincture Cinchona Compound U. S. P. IX * * * Contains 0.4 to 0.5 gm. Alkaloids in 100 mils," and "Tincture Nux Vomica * * * Assayed to contain not less than 0.237 gm. nor more than 0.263 gm. Alkaloids in each 100 mils," borne on the labels, were false and misleading, in that the said statements represented that the articles conformed to the standard laid down in the United States Pharmacopoeia, whereas, in truth and in fact, they did not.

Misbranding of the nitroglycerin tablets, strychnine sulphate tablets and codeine sulphate tablets was alleged for the reason that the statements, "Tablets * * * Nitroglycerin 1/100 Grain," "Tablet * * * Nitroglycerin 1/50 Grain," "H. T. Nitroglycerin 1/150 Grain," "Tablet Strychnine Sulphate 1/4 Grain," "Tablet Strychnine Sulphate 1/2 Grain," "H. T. Codeine Sulphate 1/2 Grain," "H. T. Codeine Sulphate 1/4 Grain," as the case might be, borne on the labels of the respective lots of the products, were false and misleading, in that the said statements represented that each tablet contained the amount of the product declared on the label thereof, whereas the said tablets contained less than so declared.

On April 1, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $250.

W. M. JARDINE, *Secretary of Agriculture.*

14493. Adulteration and misbranding of morphine sulphate tablets, cocaine hydrochloride tablets, codeine sulphate tablets, nitroglycerin tablets, strychnine sulphate tablets, atropine sulphate tablets, pilocarpine hydrochlorate tablets, cinchona bark fluidextract, nux vomica powdered extract, and ipecac fluidextract. U. S. v. Nelson, Baker & Co. Plea of guilty. Fine, $100. (F. & D. No. 19759. I. S. Nos. 2133–x, 2136–x, 2137–x, 2138–x, 2158–x, 2164–x, 2165–x, 2166–x, 2170–x, 2172–x, 2173–x, 2176–x, 2177–x.)

On June 8, 1926, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nelson, Baker & Co., a corporation, Detroit, Mich., alleging shipment by said company, in violation of the food and drugs act, on or about August 27, 1925, from the State of Michigan into the State of Ohio, of various drugs, namely, morphine sulphate tablets, cocaine hydrochloride tablets, codeine sulphate tablets, nitroglycerin tablets, strychnine sulphate tablets, atropine sulphate tablets, pilocarpine hydrochlorate tablets, cinchona bark fluidextract, nux vomica powdered extract, and ipecac fluidextract, which said drugs were adulterated and misbranded. The articles were labeled in part: "Nelson, Baker & Co., Detroit, Michigan," and were further labeled as hereinafter set forth.

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that: The morphine sulphate tablets, labeled "¼ Gr.," contained 0.216 grain of morphine sulphate per tablet; the cocaine hydrochloride tablets, labeled "⅛ Gr.," contained 0.078 grain of cocaine hydrochloride per tablet; the codeine sulphate tablets, labeled "⅛ gr.," contained 0.108 grain of codeine sulphate per tablet; the nitroglycerin tablets, labeled "1/50 gr.," contained 1/92 grain of nitroglycerin per tablet; the strychnine sulphate tablets labeled "1/50 Gr." contained 1/60 grain of strychnine sulphate per tablet and those labeled "1/60 Gr." contained 1/80 grain of strychnine sulphate per tablet; the atropine sulphate tablets, labeled "1–100 gr.," contained 1/143 grain of atropine sulphate per tablet; the pilocarpine hydrochlorate tablets, labeled "⅛ Gr.," contained 1/12 grain of pilocarpine hydrochlorate per tablet; the cinchona bark fluidextract contained not more than 3.33 grams of the alkaloids of cinchona per 100 mils, which is less than the minimum required by the pharmacopoeia; the nux vomica powdered extract contained not more than 10.9 per cent of the alkaloids of nux vomica, which is less than three fourths of the minimum required by the pharmacopoeia: the ipecac fluidextract contained not more than 0.84 grams of the ether soluble alkaloids of ipecac per 100 mils, which is less than one half of the minimum requirement of the pharmacopoeia.

Adulteration of the said tablets was alleged in the information for the reason that their strength and purity fell below the professed standard of quality

under which they were sold, in that each of said tablets was represented to contain 1/4 grain of morphine sulphate, 1/8 grain of cocaine hydrochloride, 1/8 grain of codeine sulphate, 1/50 grain of nitroglycerin, 1/50 grain or 1/60 grain of strychnine sulphate, 1/100 grain of atropine sulphate, or 1/8 grain of pilocarpine hydrochlorate, as the case might be, whereas each of said tablets contained less of the product than declared, the alleged 1/4 grain morphine sulphate tablets containing not more than 0.216 grain of morphine sulphate each; the alleged 1/8 grain cocaine hydrochloride tablets containing not more than 0.078 grain of cocaine hydrochloride each; the alleged 1/8 grain codeine sulphate tablets containing not more than 0.108 grain of codeine sulphate each; the alleged 1/50 grain nitroglycerin tablets containing not more than 0.0108 grain of nitroglycerin each; the alleged 1/50 grain and the 1/60 grain strychnine sulphate tablets containing not more than 0.01647 grain, and 0.01251 grain, respectively, of strychnine sulphate each; the alleged 1/100 grain atropine sulphate tablets containing less than 1/100 grain of atropine sulphate and the alleged 1/8 grain of pilocarpine hydrochlorate tablets containing not more than 0.082 grain of pilocarpine hydrochlorate each.

Adulteration of the cinchona bark fluidextract, nux vomica powdered extract, and ipecac fluidextract, was alleged for the reason that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality and purity as determined by the tests laid down in said pharmacopoeia, official at the time of investigation, in that the said cinchona bark fluidextract yielded not more than 3.33 grams of the alkaloids of cinchona per 100 mils, whereas the pharmacopoeia provided that it should yield not less than 4 grams of the alkaloids of cinchona per 100 mils; the said nux vomica powdered extract yielded not more than 10.9 per cent of the alkaloids of nux vomica, whereas the pharmacopoeia provided that nux vomica powdered extract should yield not less than 15.2 per cent of the alkaloids of nux vomica; and the said ipecac fluidextract yielded not more than 0.84 gram of the ether-soluble alkaloids of ipecac per 100 mils, whereas the pharmacopoeia provided that ipecac fluidextract should yield not less than 1.8 grams of the ether-soluble alkaloids of ipecac per 100 mils. Adulteration of the cinchona bark fluidextract was alleged for the further reason that it fell below the professed standard and quality under which it was sold, in that the statement, to wit, "Standard—4½% total Alkaloids," borne on the label, represented that it yielded 4½ per cent of total alkaloids, whereas it yielded a less amount, to wit, approximately 3⅛ per cent of total alkaloids.

Misbranding of the said tablets was alleged for the reason that the statements, "Tablets * * * Morphine Sulphate 1/4 Gr.," "Tablets Cocaine Hydrochloride 1–8 Gr.," "Tablets Codeine Sulphate 1–8 gr.," "Tablets Nitro-Glycerin 1–50 gr.," "Tablets Strychnine Sulphate 1/50 Gr.," "Tablets Strychnine Sulphate 1–60 Gr.," "Tablets Atropine Sulphate 1–100 gr.," and "Tablets Pilocarpine Hydrochlorate 1–8 Gr.," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas the said tablets contained less than so declared.

Misbranding of the said cinchona bark fluidextract, nux vomica powdered extract, and ipecac fluidextract, was alleged for the reason that the statements, to wit, "Fluidextract, Cinchona U. S. P. Standard—4½ total Alkaloids." "Powdered Extract Nux Vomica U. S. P." and "Fluidextract Ipecac, U. S. P.," borne on the labels, were false and misleading, in that the said statements represented that the articles conformed to the standard laid down in the United States Pharmacopoeia, and that the cinchona bark fluidextract yielded 4½ per cent of total alkaloids, whereas the articles did not conform to the standard laid down in said pharmacopoeia, and the said cinchona bark fluidextract yielded less than 4½ per cent of total alkaloids.

On June 10, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

W. M. JARDINE, *Secretary of Agriculture.*

14496. Misbranding of crab meat. U. S. v. William B. Skinner (W. B. Skinner & Co.). Plea of guilty. Fine, $25. (F. & D. No. 18762. I. S. No. 7325–v.)

On February 19, 1925, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William B. Skinner, trading as W. B. Skinner & Co., Biloxi, Miss., alleging

shipment by said defendant, in violation of the food and drugs act as amended, on or about February 21, 1924, from the State of Mississippi into the State of Alabama, of a quantity of crab meat which was misbranded. The article was contained in 31 unlabeled cans and was shipped in a tub labeled in part: "From W. B. Skinner & Co. * * * Biloxi, Miss. Tubs 31# Crab Meat."

Misbranding of the article was alleged in the information for the reason that it was food in package form, to wit, food in unlabeled cans, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged for the further reason that the statement, to wit, "31# Crab Meat," borne on the tag attached to the tub containing the said cans, was false and misleading, in that the said statement represented that the tub contained 31 pounds of crab meat and that each of the cans contained 1 pound net of crab meat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said tub contained 31 pounds of crab meat and that each can contained 1 pound net of crab meat, whereas the tub did not contain 31 pounds of crab meat, and the said cans did not each contain 1 pound net of crab meat but did contain a less amount.

On June 8, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

W. M. Jardine, *Secretary of Agriculture.*

14497. Adulteration of canned sardines. U. S. v. 7 Cases, et al., of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19403. I. S. Nos. 13852–v, 13853–v. S. No. E–5057.)

On December 23, 1924, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 cases and 146 cans of sardines, remaining in the original unbroken packages at Nashua, N. H., consigned by the Bayshore Sardine Co., Columbia, Me., alleging that the article had been shipped from Columbia, Me., in part June 16, 1924, and in part October 9, 1924, and transported from the State of Maine into the State of New Hampshire, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Seiner Brand" (or "B. & S. Brand") "American Sardines * * * Packed By Bayshore Sardine Co. Addison Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed or putrid animal substance.

On June 3, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

14498. Adulteration of rice. U. S. v. 189 Bags of Rice. Product ordered released under bond. (F. & D. No. 20584. I. S. No. 4817–x. S. No. E–5562.)

On November 7, 1925, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 189 bags of rice, at Mayaguez, P. R., alleging that the article had been shipped by Adolph Pfeffer & Co., Beaumont, Tex., on or about July 9, 1925, and transported from the State of Texas into the Territory of Porto Rico, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On December 14, 1925, Jose Gonzales Clemente & Co., Mayaguez, P. R., having appeared as claimant for the property, judgment was entered, sustaining the allegations of the libel, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of $750, conditioned in part that it be denatured so as to make it fit only for animal feed, said bond being further conditioned upon payment of the costs of the proceedings and the expense of supervising the cleaning of the rice.

W. M. Jardine, *Secretary of Agriculture.*

14499. Misbranding of canned shrimp. U. S. v. 28 Cases of Shrimp. Product ordered released under bond. (F. & D. No. 20644. I. S. No. 4820–x. S. No. E–5588.)

On November 23, 1925, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 cases of canned shrimp, at San Juan, P. R., alleging that the article had been shipped by Lazare Levy & Co., New Orleans, La., on or about September 17, 1925, and transported from the State of Louisiana into the Territory of Porto Rico, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Shrimp Barataria Brand Dry Pack * * * Net Contents 5 Ounces, Guaranteed To Pass Any State Or National Pure Food Law Inspection."

Misbranding of the article was alleged in the libel for the reason that the statements "Net Contents 5 Ounces," "Guaranteed To Pass Any State Or National Pure Food Law Inspection," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On December 5, 1925, Sobrinos de Izquierdo & Co., San Juan, P. R., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered, ordering that the product be released to the said claimant and that the bond tendered by claimant by certified check in the sum of $125 be approved and retained to insure relabeling of the product and payment of costs.

W. M. Jardine, *Secretary of Agriculture.*

14500. Misbranding of butter. U. S. v. 1 Case of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21081. I. S. No. 10681–x. S. No. W–1968.)

On April 17, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 case of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been prepared for shipment in interstate commerce, by Swift & Co., Seattle, Wash., from the State of Washington into the Territory of Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Package) "Brookfield Creamery Butter 1 Lb. Net Weight Distributed By Swift & Company."

Misbranding of the article was alleged in the libel for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 10, 1926, Swift & Co. having appeared as claimant for the property and having admitted the allegations of the libel and paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the deposit of a certified check in the sum of $50, to insure that it be reconditioned and relabeled under the supervision of this department.

W. M. Jardine, *Secretary of Agriculture.*

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